

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Wednesday, January 08, 2020

SUBJECT	DESCRIPTION	PRESENTER
WELCOME:	WELCOME to the 2nd Regular Session of the 65th Idaho Legislature.	Chairman Lodge
PAGE INTRODUCTION:	INTRODUCTION of Page Karina Smith from Idaho Falls, Idaho.	Chairman Lodge
INTRODUCTION OF INTERNS:	INTRODUCTION Lachlon Fredricks, Intern INTRODUCTION Sebastian Griffin, Intern	Chairman Lodge
INTRODUCTION OF THE RULES:	EXPLANATION of the rules process.	Vice Chairman Harris and Dennis Stevenson, Rules Coordinator

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Harris

Sen Hill

Sen Winder

Sen Vick

Sen Anthon

Sen Souza

Sen Stennett

Sen Buckner-Webb

COMMITTEE SECRETARY

Twyla Melton

Room: WW42

Phone: 332-1326

Email: [sstaf@senate.idaho.gov](mailto:ss taf@senate.idaho.gov)

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, January 08, 2020

TIME: 8:00 A.M.

PLACE: WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Souza, Stennett, and Buckner-Webb.

ABSENT/ EXCUSED: Senator Anthon

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** called the Senate State Affairs Committee (Committee) to order at 8:02 a.m.

PAGE INTRODUCTION: **Chairwoman Lodge** introduced Karina Smith, a Senate page from Idaho Falls. She attends high school and cosmetology school. **Ms. Smith** is passionate about learning about the legislature, helping Idaho, and making a difference in the future. She stated that she is excited to have this opportunity to serve as a page.

INTERN INTRODUCTION: **Chairwoman Lodge** introduced Lochlan Frederick who is serving as an Intern this session and was a page in the House of Representatives in 2017. He is a Sophomore at the College of Western Idaho getting his degree in communications. His goal is to be an effective researcher who can find and summarize the important facts on an issue or debate.

Chairwoman Lodge said he would be available to help out where needed.

INTERN INTRODUCTION: **Chairwoman Lodge** introduced Sebastian Griffin who will be serving as an Intern this session. He served as a page last year. **Mr. Griffin** is looking forward to this new learning experience before heading to Brigham Young University in Utah this June.

Chairwoman Lodge thanked them and agreed with Senator Souza that if these three are the look of the next generation, there is hope for the future.

PASSED THE GAVEL: Chairwoman Lodge passed the gavel to Vice Chairman Harris.

INTRODUCTION OF THE RULES: **Vice Chairman Harris** commented that reviewing the rules this session entailed a much different process than prior years. He introduced Dennis Stevenson, Administrative Rules Coordinator to explain.

Mr. Stevenson introduced Colby Cameron. **Mr. Cameron** explained where each committee's set of rules could be found online, and that sections could be extracted and printed by the committee secretaries should they need to. He said that due to the number of pending rules this session, no rules would be printed by Legislative Services (LSO).

Mr. Stevenson said that each agency reviewed and made changes to their rules and conducted public hearings. He explained the process LSO used for creating the omnibus rules packets. He said the rules fell into two categories easily identified by either a 1900 or 1900F, the "F" signifying a fee rule. Some rules

from the Department of Agriculture and the Department of Environmental Quality might have slightly different numbers, but that it would not affect this committee.

Mr. Stevenson said the Administrative Bulletin printed in November would help to understand the changes, if any, that were made. He responded that this session, the agencies were encouraged to hold on making any new rules until the omnibus rules were in place. Afterwards, they could make amendments as necessary.

**PASSED THE
GAVEL:**

Vice Chairman Harris passed the gavel back to Chairwoman Lodge.

ADJOURNED:

There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:40 a.m.

Senator Lodge, Chair

Twyla Melton, Secretary

Denise B. McNeil
Assistant to the Assistant Majority
Leader

AMENDED AGENDA #1
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Friday, January 10, 2020

SUBJECT	DESCRIPTION	PRESENTER
GUBERNATORIAL APPOINTMENT:	The Gubernatorial Re-Appointment of Chuck Winder to the Idaho Endowment Fund Investment Board.	Senator Chuck Winder
GUBERNATORIAL APPOINTMENT:	The Gubernatorial Re-Appointment of M. Dean Buffington to the Idaho Endowment Fund Investment Board.	Dean Buffington
DOCKET NO. <u>40-0101-1900</u> PENDING RULES:	OMNIBUS PENDING RULE 40.01.01 Rules of the Idaho Commission on the Arts – docket is p. 444 and rule is p. 447	Michael Faison, Exec. Director, Idaho Commission on the Arts
DOCKET NO. <u>45-0101-1900</u> PENDING RULES:	OMNIBUS PENDING RULE 45.01.01 Rules of the Idaho Human Rights Commission – docket is p. 451 and rule is p. 454	Ben Earwicker, Director, Idaho Human Rights Commission

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge	Sen Anthon
Vice Chairman Harris	Sen Souza
Sen Hill	Sen Stennett
Sen Winder	Sen Buckner-Webb
Sen Vick	

COMMITTEE SECRETARY

Twyla Melton
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MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, January 10, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and Buckner-Webb

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** called the Senate State Affairs Committee (Committee) to order at 8:02 a.m.

GUBERNATORIAL APPOINTMENT: **THE GUBERNATORIAL APPOINTMENT** of Senator Chuck Winder to the Idaho Endowment Fund Investment Board.

Chairwoman Lodge introduced Senator Chuck Winder, who has been a member of the Idaho Endowment Fund Investment Board (Board) since his appointment in 2009. **Senator Winder** said he is responsible for managing policy and hiring managers for the funds. In the years that he has served, the fund has seen significant growth and has doubled in benefits for the agencies.

In response to questions asked from Senators Vick and Souza, and Vice Chairman Harris, **Senator Winder** responded that the Endowment Fund provides benefits for schools, correctional facilities, hospitals, and some funds that are part of the mediation of the super fund site in Kootenai County. He said the strength of the fund comes from the exceptional work of the key players, staff and consultants and that their efforts have been instrumental in the significant growth of the fund.

GUBERNATORIAL APPOINTMENT: **THE GUBERNATORIAL APPOINTMENT** of M. Dean Buffington to the Idaho Endowment Fund Investment Board.

Chairwoman Lodge introduced M. Dean Buffington and asked him to introduce the other members in attendance. **Mr. Buffington** introduced Chris Anton, Manager of Investments and Chris Halvorson, an investment officer.

Mr. Buffington stated he has been on the Board since 2001, and has served as the Chairman since 2003. His position is to oversee the staff. **Mr. Buffington**, a registered investment advisor licensed in Idaho for 50 years, stated that there is no conflict of interest. His firm handles money for individuals and does not manage institutional investments. He discussed the responsibilities of the Board, how they manage the funds for maximum growth, and that they have established reserve accounts for each endowment to maintain stability. The current goal is to have a six-year reserve for the funds.

PASSED THE GAVEL: **Chairwoman Lodge** announced the Committee will vote on the gubernatorial appointments at the next meeting on Monday, January 13, 2020 and passed the gavel to Vice Chairman Harris to conduct the rules review.

DOCKET NO. 40-0101-1900 **OMNIBUS PENDING RULE 45.01.01 Rules of the Idaho Human Rights Commission**, Michael Faison, Director.

Vice Chairman Harris introduced Michael Faison, Executive Director, Idaho Commission on the Arts, to present **Docket No. 40-0101-1900**. **Mr. Faison** said there was only one chapter of rules and explained their process in following the Red Tape Reduction Act. He said they eliminated 14 out of 18 pages of rules, went from 8,500 words to 1,700 words, amounting to an 80 percent reduction. They also removed 99 restrictive terms.

Mr. Faison indicated that he was very pleased with the process to make the Rules much less cumbersome and prohibitive. In working throughout the state, they received unanimous approval of the reductions. He asked for support for **Docket No. 40-0101-1900**.

MOTION:

Senator Souza moved to approve **Docket No. 40-0101-1900**. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
45-010-1900**

Docket No. 45-010-1900 was rescheduled for Monday, January 13, 2020.

**PASSED THE
GAVEL:**

Vice Chairman Harris passed the gavel back to Chairwoman Lodge.

ADJOURNED:

There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:34 a.m.

Senator Lodge, Chair

Twyla Melton, Secretary

Denise B. McNeil
Assistant to the Assistant Majority
Leader

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Monday, January 13, 2020

SUBJECT	DESCRIPTION	PRESENTER
VOTE ON GUBERNATORIAL APPOINTMENTS:	VOTE on the Reappointment of Chuck Winder to the Idaho Endowment Fund Investment Board. VOTE on the Reappointment of Dean Buffington to the Idaho Endowment Fund Investment Board.	
DOCKET NO. 45-0101-1900 PENDING RULES:	OMNIBUS PENDING RULE - 45.01.01 Rules of the Idaho Human Rights Commission – docket is p. 451 and rule is p. 45	Ben Earwicker, Director, Idaho Human Rights Commission
DOCKET NO. 15-1000-1900F PENDING FEE RULES:	OMNIBUS PENDING FEE RULE - 15.10.01 Rules of the Idaho State Liquor Division – docket is p. 82 and rule is p. 86.	Jeffrey Anderson, Director, Idaho State Liquor Division
DOCKET NO. 52-0000-1900F PENDING FEE RULES:	OMNIBUS PENDING FEE RULE 52.01.03 Rules Governing Operations of the Idaho State Lottery – docket is p. 197 and rule is p. 200.	Jeffrey Anderson, Director, Idaho State Lottery Commission.

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Harris

Sen Hill

Sen Winder

Sen Vick

Sen Anthon

Sen Souza

Sen Stennett

Sen Buckner-Webb

COMMITTEE SECRETARY

Twyla Melton

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MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, January 13, 2020

TIME: 8:00 A.M.

PLACE: WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Souza, Stennett, and Buckner-Webb

**ABSENT/
EXCUSED:** Senator Anthon

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** called the Senate State Affairs Committee (Committee) to order at 8:02 a.m.

**VOTE ON
GUBERNATORIAL
APPOINTMENT:** **Senator Hill** moved to send the Gubernatorial reappointment of Senator Chuck Winder to the Idaho Endowment Fund Investment Board to the floor with a recommendation that he be confirmed by the Senate. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

**VOTE ON
GUBERNATORIAL
APPOINTMENT:** **Senator Winder** moved to send the Gubernatorial reappointment of Dean Buffington to the Idaho Endowment Fund Investment Board to the floor with a recommendation that he be confirmed by the Senate. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Chairwoman Lodge passed the gavel to Vice Chairman Harris to conduct the rules review.

**DOCKET NO.
45-0101-1900** **Omnibus Pending Rule - 45.01.01, Docket page 451, Rule page 45 - Rules of the Idaho Human Rights Commission.**

Vice Chairman Harris introduced Dr. Ben Earwicker, Director of the Idaho Human Rights Commission (Commission) to present **Docket No. 45-0101-1900**. **Dr. Earwicker** said that there was one chapter of rules and the Commission's approach was in line with the Red Tape Reduction Act. He described how they arrived at each decision to remove, change, or clarify the rules. Dr. Earwicker said they eliminated 3.5 pages of rules, a 47 percent reduction, and 16 restrictions, a 66 percent reduction, making the rules lighter and easier to navigate.

In response to questions, **Dr. Earwicker** clarified that the previously deleted section numbers would be reserved for future use.

MOTION: **Senator Souza** moved to approve **Docket No. 45-0101-1900**. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
15-1000-1900F** **Omnibus Pending Fee Rule - 15.10.01, Docket page 82, Rule page 86 - Rules of the Idaho State Liquor Division .**

Vice Chairman Harris introduced Jeffrey Anderson, Director of the Idaho State Liquor Division to present **Docket No. 15-1000-1900F**. **Mr. Anderson** introduced the Division Chief Deputy, Tony Faraca, the rules review officer. **Mr. Anderson** stated that there was one chapter of rules and their approach was in alignment with the Red Tape Reduction Act.

Mr. Anderson said the changes included deletions and modifications where the rule contradicted other granted authority, duplication of sections, obsolete references to agencies, and restrictions and extraneous language. Three pages of rules were eliminated. He stated there were no new fees added and no pre-existing fees were changed.

MOTION:

Senator Vick moved to approve **Docket No. 15-1000-1900F**. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
52-0000-1900F**

Omnibus Pending Fee Rule - 52.01.03, Docket page 197, Rule page 200 - Rules Governing Operations of the Idaho State Lottery.

Mr. Anderson next presented **Docket No. 52-0000-1900F** and introduced the Lottery Chief Operating Officer, Becky Schroeder, the rules review officer.

Mr. Anderson stated that they combined three chapters of rules into one by incorporating two into sub-chapters. He said their approach was in alignment with the Red Tape Reduction Act. In response to questions, he said no public hearings were requested or held, no new fees were added, and no pre-existing fees were changed.

MOTION:

Senator Stennett moved to approve **Docket No. 52-0000-1900F**. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL:

Vice Chairman Harris passed the gavel to Chairwoman Lodge.

ADJOURNED:

There being no more business at this time, **Chairwoman Lodge** adjourned the meeting at 8:20 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Denise B. McNeil
Assistant to the Assistant Majority
Leader

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Wednesday, January 15, 2020

SUBJECT	DESCRIPTION	PRESENTER
GUBERNATORIAL APPOINTMENT:	The Gubernatorial Re-Appointment of Susan Kerrick to the Idaho Lottery Commission.	Susan Kerrick
GUBERNATORIAL APPOINTMENT:	The Gubernatorial Re-Appointment of Rayelle Anderson to the Bingo/Raffle Advisory Board. (Telephone Interview)	Rayelle Anderson
DOCKET NO. 15-0600-1900 PENDING RULES	OMNIBUS PENDING RULE 15.06.01 - Idaho Military Division Rules Governing the Idaho Public Safety Communications Commission – docket-p. 199 and rules-p. 202.	Major Lauren Tschampl USAF
DOCKET NO. 15-0600-1900F PENDING FEE RULES	OMNIBUS PENDING FEE RULES 15.06.03 - Idaho Military Division Public Safety Communications Systems Installation and Maintenance Fee Rules – docket-p. 78 and rule-p. 81.	Major Lauren Tschampl USAF
DOCKET NO. 54-0000-1900 PENDING RULES	OMNIBUS PENDING RULES - Office of the State Treasurer – docket-p. 458:	
	54.02.01 – Rules Governing the College Savings Program – rules-p. 461.	Christie Stoll, Exec. Dir., Ideal ID College Savings Program
	54.03.01 - Idaho Unclaimed Property Administrative Rules - rules-p. 463.	Ingrid Bolen, Adm., ID Unclaimed Property
DOCKET NO. 31-0000-1900 PENDING RULES	OMNIBUS PENDING RULES 31.01.01 - Rules of Procedure of the Idaho Public Utilities Commission – docket-p. 213 and rules-p. 222.	Paul Kjellander, Commissioner, ID Public Utilities Commission
DOCKET NO. 24-0201-1900F PENDING FEE RULES	OMNIBUS PENDING FEE RULE 24.02.01 - Bureau of Occupational Licenses Rules of the State Athletic Commission – docket-p. 94 and rules-p. 98	Kelley Packer, Bureau Chief, Bureau of Occupational Licenses

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge
Vice Chairman Harris

Sen Anthon
Sen Souza

COMMITTEE SECRETARY

Twyla Melton
Room: WW42

Sen Hill
Sen Winder
Sen Vick

Sen Stennett
Sen Buckner-Webb

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MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, January 15, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and Buckner-Webb

**ABSENT/
EXCUSED:** None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** called the Senate State Affairs Committee (Committee) to order at 8:00 a.m.

**GUBERNATORIAL
APPOINTMENTS:** **The Gubernatorial Re-Appointment** of Susan Kerrick to the Idaho Lottery Commission.

Chairwoman Lodge introduced Susan Kerrick, a retired school teacher from Lewiston, who has served for the last five years on the Commission. **Ms. Kerrick** stated that the Lottery Commission does a great job and has earned the respect of other state lotteries. She said she has learned much in her service, and working to provide additional money for schools is what she is most passionate about. **Ms. Kerrick** introduced her colleagues, Becky Schroeder and Jeff Anderson.

**GUBERNATORIAL
APPOINTMENTS:** The interview of the Gubernatorial Re-Appointment of Rayelle Anderson to the Bingo/Raffle Advisory Board was rescheduled.

PASSED THE GAVEL: **Chairwoman Lodge** announced the Committee will vote on the gubernatorial appointment at their next meeting on Friday, January 17, 2020 and passed the gavel to Vice Chairman Harris to conduct the rules review.

**DOCKET NO.
15-0600-1900** **Omnibus Pending Rule 15.06.01 - Idaho Military Division Rules Governing the Idaho Public Safety Communications Commission.**

Vice Chairman Harris introduced Major Lauren Tschampl, Judge Advocate, to present **Docket No. 15-0600-1900. Major Tschampl** said the Idaho Military Division (IMD), in using the rules review process in accordance with the Red Tape Reduction Act, reduced the six existing administrative rules by eliminating one chapter, consolidating two chapters into one, and removing 18 pages.

MOTION: **Senator Souza** moved to approve **Docket No. 15-0600-1900. Senator Anthon** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
15-0600-1900F** **Omnibus Pending Rule 15.06.03 - Idaho Military Division Public Safety Communications Systems Installation and Maintenance Fee Rules.**

Major Tschampl , before presenting **Docket No. 15-0600-1900F**, introduced Brigadier General Timothy Donnellan, Commander of the Idaho International Guard; Collier Lipple, Executive Officer to the Adjutant General, Idaho National Guard; Ben Call, Branch Chief of the Idaho Public Safety Commission; Craig Logan, Idaho Public Safety Commission; and Wayne Harris, Idaho Office of Emergency Management.

Major Tschampl stated that the fee schedule was removed from this rule because it was insufficient in meeting their funding needs, so the provision that was in place allowed them to negotiate the fees by contract.

Vice Chairman Harris called Ben Call, Branch Chief of the Idaho Public Safety Commission, to further explain this change. **Mr. Call** explained that with the advanced changes in technology for the safety equipment used in the vehicles, the fee schedule was outdated.

Mr. Call responded to questions from Senator Winder and Vice Chairman Harris and said that any new fee schedule generated would need to be easily modified and negotiable for agency budgeting purposes. He said he saw no substantial increases in the future because they purposely keep costs lower than the open market for those agencies that use their services.

MOTION:

Senator Winder moved to approve **Docket No. 15-0600-1900F**. **Chairwoman Lodge** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
54-0000-1900**

Omnibus Pending Rules - Office of the State Treasurer:

54.02.01 - Rules Governing the College Savings Program.

Vice Chairman Harris introduced Christine Stoll, Executive Director of Ideal Idaho College Savings Program to present **Docket No. 54-0000-1900, Rule 54.02.01**. **Ms. Stoll** said they have been in business since 2001 and help families save money for education through the 529 Tax Plan. She explained the process used to review their rules, that it was in accordance with the Red Tape Reduction Act and that they only deleted duplicative rules.

54.03.01 - Idaho Unclaimed Property Administrative Rules.

Vice Chairman Harris introduced Ingrid Bolen, State Treasurer's Office, Unclaimed Property Division to present **Docket No. 54-0000-1900, Rule 54.03.01**. **Ms. Bolen** stated they too used the rules review process in accordance with the Red Tape Reduction Act. She stated only minor grammatical changes were made to the rules.

MOTION:

Chairwoman Lodge moved to approve **Docket No. 54-0000-1900**. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
31-0000-1900**

Omnibus Pending Rule 31.01.01 - Rules of Procedure of the Idaho Public Utilities Commission.

Vice Chairman Harris introduced Commissioner Paul Kjellander, President of the Idaho Public Utilities Commission to present **Docket No. 31-0000-1900**. **Mr. Kjellander** stated the 13 rules reviewed was completed in accordance with the Red Tape Reduction Act. He said they eliminated three chapters, consolidated two railroad rules into one, cut 21 pages, and with the elimination of 314 restrictions, achieved a 26 percent reduction in restrictions.

In response to questions from Senators Stennett and Vick, **Mr. Kjellander** explained in detail where the changes occurred. He also stated that their standard rules procedure was followed for this omnibus process.

MOTION:

Senator Stennett moved to approve **Docket No. 31-0000-1900**. **Senator Vick** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
24-0201-1900F**

**Omnibus Pending Rule 24.02.01 - Bureau of Occupational Licenses
Rules of the State Athletic Commission.**

Vice Chairman Harris introduced Kelley Packer, Bureau Chief, Bureau of Occupational Licenses Bureau to present **Docket No. 24-0201-1900F**. **Ms. Packer** said their rules were pre-existing, previously reviewed and approved, and the approach used was in line with the Red Tape Reduction Act and Licensing Freedom Act. She stated in 2019, the Bureau conducted a review of half of the 29 boards, and the remaining boards will be reviewed later this year. To date, they eliminated 22 percent of the rules and 34,000 words. She also stated that the Idaho Athletic Commission eliminated 880 words and over 200 restrictions.

In response to multiple questions, **Ms. Packer** detailed the specifics of the changes. She stated that many of their rules must comply with national standards which were taken into consideration as well. **Ms. Packer** stated that currently the fees were at the highest allowed, so there would be no fee changes at this time. She also said the House had passed this rule.

MOTION:

Senator Vick moved to approve **Docket No. 24-0201-1900F**. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL:

Vice Chairman Harris passed the gavel to Chairwoman Lodge.

ADJOURNED:

There being no more business at this time, **Chairwoman Lodge** adjourned the meeting at 8:52 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Denise B. McNeil
Assistant to Assistant Majority
Leader

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Friday, January 17, 2020

SUBJECT	DESCRIPTION	PRESENTER
VOTE ON GUBERNATORIAL APPOINTMENT:	VOTE ON GUBERNATORIAL REAPPOINTMENT of Susan Kerrick to the Idaho Lottery Commission.	
GUBERNATORIAL APPOINTMENT:	THE GUBERNATORIAL REAPPOINTMENT of Rayelle Anderson to the Idaho Bingo-Raffle Advisory Committee. This will be a telephone interview.	Rayelle Anderson, Director of Development, North Idaho College
<u>RS27385C1</u>	RELATING TO CAMPAIGN FINANCE REPORTS regarding filing of these reports.	Chad Houck, Chief Deputy, Secretary of State
DOCKET NO. <u>04-0000-1900</u> PENDING RULES:	OMNIBUS PENDING RULE IDAPA 04 Rules of the Office of the Attorney General – docket is p. 4; rules are p. 7.	Brett Delange, Division Chief, Consumer Protection Division, Office of the Attorney General
DOCKET NO. <u>04-0000-1900F</u> PENDING FEE RULES	OMNIBUS PENDING FEE RULE IDAPA 04 Rules of the Office of the Attorney General – docket is p. 4; rules are p. 7.	Brett Delange, Division Chief, Consumer Protection Division, Office of the Attorney General
DOCKET NO. <u>11-0400-1900</u> PENDING RULES	OMNIBUS PENDING RULE IDAPA 11 Rules of the Idaho State Police Racing Commission – docket is p. 94; rules are p. 97.	Ardie Noyes, Idaho State Racing Commission
DOCKET NO. <u>11-0400-1900F</u> PENDING FEE RULES	OMNIBUS PENDING FEE RULE IDAPA 11 Rules of the Idaho State Police Racing Commission – docket is p. 19; rules are p. 24.	Ardie Noyes, Idaho State Racing Commission
DOCKET NO. <u>32-0101-1900F</u> PENDING FEE RULE	OMNIBUS PENDING FEE RULE IDAPA 32 Rules of the Endowment Fund Investment Board – docket is p.141; rules are p. 144.	Chris Anton, Manager of Investments, Endowment Fund Investment Board

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge

Sen Anthon

COMMITTEE SECRETARY

Twyla Melton

Vice Chairman Harris	Sen Souza
Sen Hill	Sen Stennett
Sen Winder	Sen Buckner-Webb
Sen Vick	

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MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, January 17, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Souza, Stennett, and Buckner-Webb

ABSENT/ EXCUSED: Senator Anthon

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

VOTE ON GUBERNATORIAL APPOINTMENT: **VOTE ON THE GUBERNATORIAL REAPPOINTMENT** of Susan Kerrick to the Idaho Lottery Commission.

MOTION: **Senator Buckner-Webb** moved to send the Gubernatorial appointment of Susan Kerrick to the Idaho Lottery Commission to the floor with the recommendation that she be confirmed by the Senate. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT: **THE GUBERNATORIAL REAPPOINTMENT** of Rayelle Anderson to the Idaho Bingo-Raffle Advisory Board (Board).

Rayelle Anderson, Director of Development, North Idaho College, stated she has been in the non profit community since 1992 and has worked with the Board since 2009. **Ms. Anderson** stated that she has gained a better understanding of the law and rules of the state and can assist fellow nonprofit enterprises in ways to engage communities in charitable missions. The Board and the Lottery Commission have created practices and put them on the website to educate non profits and Idaho citizens about the law, rules, and practices; and to increase awareness.

Chairwoman Lodge announced the reappointment will be voted on at the next Committee meeting.

RS 27385C1 **RELATING TO CAMPAIGN FINANCE REPORTS** regarding the filing of such reports.

Chad Houck, Chief Deputy, Secretary of State, identified the cosponsors; Senator Patti Anne Lodge, Representative Fred Wood, and Representative Steve Harris. **Mr. Houck** reviewed current Idaho Code § 67-6607. Currently, campaign finance reports can only be filed by the political treasurer for each candidate and the treasurer of each political committee. **RS 27385C1** will change the statute to allow reporting by a candidate, or the political treasurer for a candidate; and a political committee, or the treasurer of a political committee. This change will be applied appropriately throughout the section. An emergency clause is included because if a treasurer is not available, a candidate or political committee would be subject to fine if a deposit could not be made in accordance with statute.

MOTION: **Senator Winder** moved to send **RS 27385C1** to print. **Senator Hill** seconded the motion. The motion carried by **voice vote**.

**PASSED THE
GAVEL:**

Chairwoman Lodge passed the gavel the Vice Chairman Harris.

**DOCKET NO.
04-0000-1900**

OMNIBUS PENDING RULE IDAPA 04 Rules of the Office of the Attorney General.

Brett Delange, Chief of the Consumer Protection Division and Deputy Attorney General in the Office of the Attorney General, introduced Andy Snook, Chief of Contracts and Administrative Law Division for the Attorney General's Office.

Mr. Delange explained that all the rules were promulgated 20-25 years ago and there are no substantive changes, only grammatical changes and removal of obsolete sections. One exception was the elimination of an obsolete rule in its entirety.

MOTION:

Senator Souza moved to approve **Docket No. 04-0000-1900**. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
04-0000-1900F**

OMNIBUS PENDING FEE RULE IDAPA 04 Rules of the Office of the Attorney General.

Brett Delange, Chief of the Consumer Protection Division and Deputy Attorney General in the Office of the Attorney General, stated that a 1992 statute authorized the Attorney General to assess a fee for telemarketers. The initial fee was \$50 and the renewal fee was \$25. Both remain the same. This docket implements that statute and includes registration provisions and how fees are to be assessed. These rules are substantively the same. Discussion followed regarding the no call list and how that list applies to telemarketers, charitable calls, and robo calls.

MOTION:

Senator Souza moved to approve **Docket No. 04-0000-1900F**. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
11-0400-1900**

OMNIBUS PENDING RULE IDAPA 11 Rules of the Idaho State Police Racing Commission.

Ardie Noyes, Idaho State Racing Commission (Commission), introduced Major Charlie Spencer, Rules Review Officer, and Patrick Denton, Office of the Attorney General. **Ms. Noyes** explained the impact of the omnibus rules process, comprised of seven chapters previously approved by the Legislature; the process conformed to the Red Tape Reduction Act resulting in the elimination of nine pages of rules and over 2,900 words. As a result, the rules are more user friendly for racing industry participants and citizens of Idaho. She highlighted the specific changes:

- A section of unnecessary rules was removed.
- No substantive changes were made and those changes were approved by the Commission.
- The Commission offered opportunities for public comment but no requests were received.

MOTION:

Senator Stennett moved to approve **Docket No. 11-0400-1900**. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
11-0400-1900F**

OMNIBUS PENDING FEE RULE IDAPA 11 Rules of the Idaho State Police Racing Commission.

Ardie Noyes, Idaho State Racing Commission, stated that this docket contains six chapters regarding fee rules. Following the Red Tape Reduction Act process resulted in the elimination of 12 pages of rules and 4,100 words. No substantive changes were made. Due to unique regulations for various license types, the number and type of rule chapters have been retained.

MOTION:

Senator Stennett moved to approve **Docket No. 11-0400-1900F**. **Chairwoman Lodge** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
32-0101-1900F**

OMNIBUS PENDING FEE RULE IDAPA 32 Rules of the Endowment Fund Investment Board.

Chris Anton, Manager of Investments, Endowment Fund Investment Board (Board), said the one rule chapter in this omnibus action has been previously reviewed and approved by the Legislature. The Board reviewed the rule with an eye toward simplification or elimination in line with the Red Tape Reduction Act. **Mr. Anton** explained that they considered the rule to be beneficial to the citizens of Idaho and the fees reflected in the rule to be reasonable. The credit enhancement program for school district bonds allows voter eligible approved school bonds to be issued with a AAA credit rating which is above the State of Idaho AA rating. This credit enhancement is achieved by a pledge that the Permanent Public School Endowment Fund administered by the Board will purchase a limited amount of State of Idaho notes if needed. This enhancement reduces the cost for Idaho school districts. There is an application fee of \$500 for the schools and a one-time bond guarantee fee of .02 percent of the total debt service for bonds in service for 20-30 years.

Senator Stennett questioned how a AAA rating can be given when Idaho has a AA rating. **Mr. Anton** replied that in addition to the information that is gathered in the application process, the State of Idaho guarantees that they will step in if the school district defaults. There is also a provision that loans could be made by the Endowment Fund to make the payments. That provision enhances the State's rating.

MOTION:

Senator Hill moved to approve **Docket No. 32-0101-1900F**. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

**PASSED THE
GAVEL:**

Vice Chairman Harris passed the gavel to Chairwoman Lodge.

ADJOURNMENT:

There being no further business, **Chairwoman Lodge** adjourned the meeting at 8:43 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Monday, January 20, 2020

SUBJECT	DESCRIPTION	PRESENTER
VOTE ON GUBERNATORIAL APPOINTMENT:	VOTE ON GUBERNATORIAL REAPPOINTMENT of Rayelle Anderson to the Idaho Bingo-Raffle Advisory Committee.	
DOCKET NO. 34-0000-1900 PENDING RULES:	OMNIBUS PENDING RULES IDAPA 34 Rules of the Office of the Secretary of State – docket p. 375; rules p. 378.	Chad Houck, Chief Deputy, Secretary of State, Administrative Division
DOCKET NO. 34-0000-1900F PENDING FEE RULES:	OMNIBUS PENDING FEE RULES IDAPA 34 Rules of the Office of the Secretary of State – docket p. 147; rules p. 151.	Chad Houck, Chief Deputy, Secretary of State, Administrative Division
DOCKET NO. 34-0701-2001 (NEW CHAPTER) TEMPORARY RULES	TEMPORARY RULES IDAPA 34 Rules of the Office of the Secretary of State for Notarial Acts Performed for Remotely Located Individuals to govern performance using communication technology – docket p. 3; rules p. 4.	Chad Houck, Chief Deputy, Secretary of State, Administrative Division
DOCKET NO. 38-0000-1900 PENDING RULE	OMNIBUS PENDING RULES IDAPA 38 Rules of the Department of Administration – docket p. 394; rules p. 397	Keith Reynolds, Deputy Director Department of Administration
DOCKET NO. 38-0000-1900F PENDING FEE RULES:	OMNIBUS PENDING FEE RULES IDAPA 38 Rules of the Department of Administration – docket p. 186; rules p. 189.	Keith Reynolds, Deputy Director Department of Administration

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Harris

Sen Hill

Sen Winder

Sen Vick

Sen Anthon

Sen Souza

Sen Stennett

Sen Buckner-Webb

COMMITTEE SECRETARY

Twyla Melton

Room: WW42

Phone: 332-1326

Email: sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, January 20, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, and Buckner-Webb

ABSENT/ EXCUSED: Senator Stennett

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** convened the Senate State Affairs Committee (Committee) at 8:05 a.m.

VOTE ON GUBERNATORIAL APPOINTMENT: **Senator Vick** moved to send the Gubernatorial appointment of Rayelle Anderson to the Idaho Bingo-Raffle Advisory Committee to the floor with a recommendation that she be confirmed by the Senate. **Senator Bucker-Webb** seconded that motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Chairwoman Lodge passed the gavel to Vice Chairman Harris to conduct the rules review.

DOCKET NO. 34-0000-1900 **Omnibus Pending Rules IDAPA 34 - Rules of the Office of the Secretary of State.**

Vice Chairman Harris introduced Chad Houck, Chief Deputy, Secretary of State, Administrative Division to present **Docket No. 34-0000-1900**. **Mr. Houck** presented the first of three non-fee omnibus rules and said there were technical changes made following the recommendations of the Red Tape Reduction Act. They consolidated some rules into single sections and removed outdated and obsolete definitions.

Mr. Houck went through each individual rule as he explained in detail the changes. He said that due to the expiration of a corporate entity name, one fee rule was vacated and combined with these non-fee rules.

MOTION: **Senator Souza** moved to approve **Docket No. 34-0000-1900**. **Chairwoman Lodge** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 34-0000-1900F **Omnibus Pending Fee Rules IDAPA 34 - Rules of the Office of the Secretary of State.**

Mr. Houck next presented **Docket No. 34-0000-1900F**, which he explained were the omnibus fee rules that had been previously adopted and codified. He said there were no fee increases or changes other than consolidation and technical updates. **Mr. Houck** went through each individual rule as he explained in detail those changes. He said they planned to simplify the rules dealing with liens and those changes will be addressed later this year. He remarked that the rules had been heard in the House and passed unanimously.

MOTION: **Senator Buckner-Webb** moved to approve **Docket No. 34-0000-1900F**. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
34-0701-2001**

TEMPORARY RULES IDAPA 34 - Rules of the Office of the Secretary of State for Notarial Acts Performed for Remotely Located Individuals to govern performance using communication technology.

Chad Houck next presented **Docket No. 34-0701-2001** and said this was a new chapter and temporary rule for the governance of notarial acts for remotely located individuals. It provides the methods and processes for electronic notarization. He explained that this rule was adapted from the rules Texas uses, however, they significantly trimmed it from 18 pages to 5.

MOTION:

Senator Hill moved to approve **Docket No. 34-0701-2001**. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
38-0000-1900**

Omnibus Pending Rules IDAPA 38 - Rules of the Department of Administration.

Vice Chairman Harris introduced Keith Reynolds, Deputy Director of the Department of Administration, to present **Docket No. 38-0000-1900**. **Mr. Reynolds** said of the six rules reviewed, three chapters and one fee rule were eliminated. **Mr. Reynolds** explained that the rules cover two broad subjects: the use of state property managed by the Department of Administration and the Division of Purchasing. No changes were made to the rules for the facilities and no substantive changes were made to the rules governing purchasing.

Mr. Reynolds stated that the rules which included the phrase "items subject to search", were rejected by the House State Affairs Committee (House).

DISCUSSION:

Senator Vick ask Mr. Reynolds to explain the concerns the House had with the prohibited items listed in section 312. He responded the concern raised was the possibility of an unconstitutional search due to the broad discretion in that phrase. They discussed how it would affect their ability to provide safety.

Responding to additional questions, **Mr. Reynolds** further explained that all these rules were extensively negotiated, with appearances made before both the Senate and House committees, the American Civil Liberties Union, and they were litigated before the federal court, and were not found unconstitutional. He said that allowing guns in the Capitol and Capitol Mall were part of this process as well.

Julie Weaver, Deputy Attorney General assigned as General Counsel to the Department of Administration, was introduced and explained the difference between Rule 311 and 312 . **Ms. Weaver** discussed the issues around these rules.

MOTION:

Senator Vick moved to hold **Docket No. 38-0000-1900** in Committee. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
38-0000-1900F**

Omnibus Pending Fee Rules IDAPA 38 - Rules of the Department of Administration.

Mr. Reynolds next presented **Docket No. 38-0000-1900F** and said it is part of the facilities rules that govern parking in the Capitol Mall. He said the fee portion is made up of regular and reserved parking, and fines for infractions.

In response to Committee questions, he explained the details regarding fees, fines, and the location of the garages and parking lots governed by this rule. They discussed the issues regarding enforcement.

MOTION:

Senator Anthon moved to approve **Docket No. 38-0000-1900F**. **Chairwoman Lodge** seconded the motion. The motion carried by **voice vote**.

**PASSED THE
GAVEL:**

Vice Chairman Harris passed the gavel to Chairwoman Lodge.

ADJOURNED:

There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:45 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Denise B. McNeil
Assistant to the Assistant Majority
Leader

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Wednesday, January 22, 2020

SUBJECT	DESCRIPTION	PRESENTER
<u>RS27355</u>	A JOINT RESOLUTION PROPOSING AN AMENDMENT OF THE CONSTITUTION OF THE STATE OF IDAHO authorizing warrantless misdemeanor arrests based on probable cause.	Senator Burgoyne
<u>RS27217</u>	RELATING TO THE STATE BUDGET to remove a duplicate section of code.	David Fulkerson, Division of Financial Management
<u>RS27218</u>	RELATING TO STATE GOVERNMENT to eliminate inactive programs.	David Fulkerson, Division of Financial Management
<u>RS27274</u>	RELATING TO THE STATE BUDGET to change the coding criteria for some items.	David Fulkerson, Division of Financial Management
<u>RS27278</u>	RELATING TO PUBLIC SCHOOL OFFICERS to allow more efficiency in depositing the receipt of funds.	David Fulkerson, Division of Financial Management
<u>S 1233</u>	RELATING TO CAMPAIGN FINANCE to revise provisions within the Sunshine Law by expanding those who may file a campaign finance report.	Chad Houck, Chief Deputy, Secretary of State
MINUTES APPROVAL:	Approval of the minutes of January 8, 2020.	Senator Harris and Senator Stennett
	Approval of the minutes of January 10, 2020.	Senator Hill and Senator Winder

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge	Sen Anthon
Vice Chairman Harris	Sen Souza
Sen Hill	Sen Stennett
Sen Winder	Sen Buckner-Webb
Sen Vick	

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, January 22, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and Buckner-Webb

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** convened the Senate State Affairs Committee (Committee) at 8:00 a.m.

RS 27355 **A JOINT RESOLUTION PROPOSING AN AMENDMENT OF THE CONSTITUTION OF THE STATE OF IDAHO** authorizing warrantless misdemeanor arrests based on probable cause.

Senator Grant Burgoyne, District 16, explained that the Idaho Supreme Court in *State of Idaho v. Peter O'Donald Clarke* (Clarke) in June of 2019, created some complicated issues. **Senator Burgoyne** said if we adopt this constitutional amendment, it would legitimize current process according to the Clarke decision. He referred to the opinion from the Attorney General's Office (Attachment 1).

Senator Burgoyne said the Joint Resolution proposes an amendment to Article 1, Section 17 of the Constitution of the State of Idaho (Constitution) that would expressly authorize law enforcement officers to make warrantless misdemeanor arrests based upon probable cause when the offense in question is not committed in the officer's presence. Idaho Code § 19-6036 permits peace officers to use their arrest powers to intervene in domestic violence situations even though they have not personally observed the commission of a crime. This section must yield to the requirements of the Constitution; for this reason Clarke's judgement of conviction is vacated. **Senator Burgoyne** stated he is not claiming the Clarke decision is erroneous, the only issue presented with this Constitutional amendment is whether the rule should be different.

Senator Burgoyne, responding to Senator Hill's question of a misdemeanor versus an offense, said Clarke was specific to a misdemeanor. A reference to crime in the amendment instead of misdemeanor or felony would solve the issue. He listed several alternative approaches.

Senator Buckner-Webb referred to cases of misidentification that might be problematic. **Senator Burgoyne** responded that when law officers have power, there is the potential for abuse. He outlined this with examples throughout the country's history. There are standards to ensure accountability.

Senator Souza asked for an example of a misdemeanor commonly witnessed by law enforcement and asked if a video recording can be used. **Senator Burgoyne** answered that most commonly, an officer comes upon a scene that is unfolding but only observes part of a crime. Under the Clarke decision it is not clear if the officer has to witness all of the five required elements. The kinds of crimes an officer is most likely to witness would be resisting arrest, obstructing an officer, and

other kinds of crimes that involve the police officer. An officer must have seen the completed crime; anything else is extremely complicated. **Senator Burgoyne**, referring to the video, said the problem may be getting the video entered into evidence.

MOTION: **Vice Chairman Harris** moved to send **RS 27355** to print. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

RS 27217 **RELATING TO THE STATE BUDGET** to remove a duplicate section of code.

David Fulkerson, Deputy Administrator, Division of Financial Management, stated **RS 27217** eliminates Idaho Code § 67-3524 which was the original statute that governed the equitable allocation of personnel/payroll overhead expenses. This is currently accomplished through Idaho Code § 37-3531, therefore the former code is no longer needed. **RS 27217** also removes code references and makes technical corrections to Idaho Code § 67-1210.

MOTION: **Senator Souza** moved to send **RS 27217** to print. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

RS 27218 **RELATING TO STATE GOVERNMENT** to eliminate inactive programs.

David Fulkerson, Deputy Administrator, Division of Financial Management, explained that **RS 27218** seeks to repeal Chapter 52, Title 22 and Chapter 3, Title 70, of Idaho Code. Neither of the programs authorized in these codes are active and any duties that may have been allocated to them are covered by flood control districts in Idaho. This is in line with the Red Tape Reduction Act.

MOTION: **Senator Anthon** moved to send **RS 27218** to print. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

RS 27274 **RELATING TO THE STATE BUDGET** to change the coding criteria for some items.

David Fulkerson, Deputy Administrator, Division of Financial Management, stated **RS 27274** proposes to change Idaho Code § 67-3508, the section of statute that regulates the way expenditure object codes are used; the change is in subsection (c), capital outlay. This legislation changes the criteria for certain items to meet the State Controller's fiscal policy for capital assets with a life of more than two years.

MOTION: **Senator Hill** moved to send **RS 27274** to print. **Vice Chairman Harris** seconded the motion. The motion carried by **voice vote**.

RS 27278 **RELATING TO PUBLIC SCHOOL OFFICERS** to allow more efficiency in depositing the receipt of funds.

David Fulkerson, Deputy Administrator, Division of Financial Management, said that **RS 27278** changes Idaho Code § 59-1014 governing the deposit of monies the state receives. Current code requires any amount over \$200 be deposited within 24 hours. The majority of the agencies meet that deadline. However, there are instances where agencies approach the Board of Examiners to apply for an exemption time period; generally remote locations. That was not allowed in current code. **RS 27278** allows the Board of Examiners to make specific exemptions to that rule.

MOTION: **Senator Vick** moved to send **RS 27278** to print. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

S 1233 **RELATING TO CAMPAIGN FINANCE** to revise provisions within the Sunshine Law by expanding those who may file a campaign finance report.

Chad Houck, Chief Deputy, Office of the Secretary of State, explained that **S 1233** would expand the provisions within the Sunshine Law for those who may file a campaign finance report to ensure that the candidate or political committee always has the ability to file in a timely manner. Currently, Idaho Code § 67-6607 allows only a treasurer for a candidate or political committee to file. The proposed revisions would be expanded to allow the candidate or the political committee to file in addition to the treasurer.

Mr. Houck noted that the legislation includes an emergency clause; candidates and political committees are currently subject to mandatory fines for failure to file a required report in a timely manner under statute that took effect on January 1, 2020. Any minimal costs incurred for implementation of this legislation will be covered under the Idaho Secretary of State's annual budget.

MOTION: **Senator Souza** moved to send **S 1233** to the floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Stennett** moved to approve the Minutes of January 8, 2020. **Vice Chairman Harris** seconded the motion. The motion carried by **voice vote**.
Senator Hill moved to approve the Minutes of January 10, 2020. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:43 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary



Attachment 1
R5 27355
1/22/2020

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WARDEN

June 26, 2019

Senator Grant Burgoyne
Idaho Senate
Capitol Building
Boise, Idaho 83720

RE: Warrantless misdemeanor arrests outside presence of law enforcement

Senator Burgoyne,

You posed the following question to our office regarding the constitutionality of warrantless misdemeanor arrests that take place outside the presence of law enforcement officers under the United States Constitution.

QUESTION PRESENTED

[W]hether the United States Constitution permits warrantless misdemeanor arrests, by a law enforcement officer, for incidents outside of a law enforcement officer's presence.

BRIEF ANSWER

Probably. While the United States Supreme Court has not issued a definitive opinion directly on point, other courts have reached a consensus that the United States Constitution does not require an offense be committed in an officer's presence in order to authorize a warrantless arrest. Rather, the test for constitutionality of arrest under the Fourth Amendment is whether the officer had probable cause to believe that an offense has been committed and the arrestee committed it.

ANALYSIS

A warrantless arrest satisfies constitutional standards if it is based upon probable cause.

Probable cause is sufficient to justify an arrest. See Whren v. United States, 517 U.S. 806, 819 (1996); Virginia v. Moore, 553 U.S. 164, 168 (2008).

We are convinced that the approach of our prior cases is correct, because an arrest based on probable cause serves interests that have long been seen as sufficient to justify the seizure. Arrest ensures that a suspect appears to answer charges and does not continue a crime, and it safeguards evidence and enables officers to conduct an in-custody investigation.

Moore, 553 U.S. at 168 (citing Whren, 517 U.S. at 817; Atwater v. City of Lago Vista, 532 U.S. 318, 354 (2001); W. LaFave, Arrest: The Decision to Take a Suspect into Custody, 177–202 (1965)). In Moore, while the United States Supreme Court noted, “In a long line of cases, we have said that when an officer has probable cause to believe a person committed even a minor crime in his presence, the balancing of private and public interests is not in doubt. The arrest is constitutionally reasonable,” id. at 171, it also “adhere[d] to the probable cause standard [for warrantless arrests],” id. at 175. In fact, the Supreme Court has never specifically addressed whether a warrantless arrest requires the offense be committed in the officer’s presence. See Atwater, 532 U.S. at 340 n.11 (“We need not, and thus do not, speculate whether the Fourth Amendment entails an “in the presence” requirement for purposes of misdemeanor arrests. Cf. Welsh v. Wisconsin, 466 U.S. 740, 756, 104 S.Ct. 2091, 80 L.Ed.2d 732 (1984) (White, J., dissenting) (“[T]he requirement that a misdemeanor must have occurred in the officer’s presence to justify a warrantless arrest is not grounded in the Fourth Amendment”).

However, other courts that have discussed the issue have reached a consensus that any “presence” requirement is based on statutory, not constitutional, requirements.

As for the second Fourth Amendment issue regarding warrantless misdemeanor arrests, whether the “in presence” requirement is constitutional in nature, the consensus is that the answer here is also no. Though the Supreme Court has asserted that “warrants of arrest are designed to meet the dangers of unlimited and unreasonable arrests of persons who are not at the moment committing any crime,” it has never held that a warrant for lesser offenses occurring out of the presence of an officer is constitutionally required.

W. LaFave, 3 Search & Seizure § 5.1(b) (5th ed., 2017); see also W. LaFave, 3 Search & Seizure § 5.1(c) (5th ed., 2017) (the presence test is not mandated by the Fourth

Amendment); Welsh v. Wisconsin, 466 U.S. at 756 (authority to make warrantless arrests, including outside the presence of an officer, may be enlarged by statute) (White, J., dissenting).

Many federal circuits concur that the "in the presence" requirement relies upon state law. For example, the Seventh Circuit found an "overwhelming consensus" of circuit courts have declined to adopt an "in the presence" requirement to justify a warrantless misdemeanor arrest. See Woods v. City of Chicago, 234 F.3d 979, 994-995 (7th Cir. 2000); see also United States v. McNeill, 484 F.3d 301, 311 (4th Cir. 2007) (court did not address specific question whether the Fourth Amendment required an offense occur in officer's presence, but cited prior circuit case law declining to find such a Constitutional requirement); Pyles v. Raisor, 60 F.3d 1211, 1215 (6th Cir. 1995) (Fourth Amendment only requires arrest be based on probable cause and contains no "presence" requirement); Fields v. City of South Houston, 922 F.2d 1138, 1189-1190 (5th Cir. 1991) (while states may impose greater requirements, Fourth Amendment only requires probable cause for arrest). Likewise, the Ninth Circuit has long recognized that, while state law may require an offense be committed in the officer's presence to justify a warrantless misdemeanor arrest, the requirement was not rooted in the Fourth Amendment. Barry v. Fowler, 902 F.2d 770, 772 (9th Cir. 1990).

Some state courts have also determined that the Fourth Amendment includes no "in the presence" requirement. See, e.g., State v. Walker, 138 P.3d 113, 119 (Wash. 2006) ("We can find no cases from this state or any other state, nor any statutes or other laws that support the argument that a person's private affairs encompass the constitutional right to be free from warrantless misdemeanor arrests. So long as legislative authority exists and any such arrest is based on probable cause, the arrest is valid"); State v. Harker, 240 P.3d 780, 786-787 (Utah 2010) (warrantless misdemeanor arrest passed constitutional muster based on probable cause notwithstanding additional state statutory requirements). In light of the foregoing cases, it is likely that warrantless misdemeanor arrests, based on probable cause and authorized under state law, would satisfy the United States Constitution's prohibition against unreasonable searches and seizures embodied in the Fourth Amendment.

June 27, 2019

Senator Burgoyne Correspondence

Page 4

I hope you find this analysis useful. Should you have any additional questions, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kristina M. Schindele', with a long, sweeping horizontal line extending to the right.

KRISTINA M. SCHINDELE
Deputy Attorney General

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Friday, January 24, 2020

SUBJECT	DESCRIPTION	PRESENTER
<u>RS27220</u>	RELATING TO BINGO AND RAFFLES to propose revisions to multiple statutes for clarification purposes and to reduce the size of the board and number of meetings per year.	Jeffrey Anderson, Lottery Commission
<u>RS27210</u>	RELATING TO VETERANS SERVICES to authorize a change of procedure when making fund transfers from certain accounts and repeals certain conflicting language.	Marv Hagedorn, Division of Veterans Affairs
<u>RS27434</u>	A SENATE CONCURRENT RESOLUTION to establish March 14 as Idaho Women's Day.	Janet Gallimore, Idaho State Historical Society
MINUTES APPROVAL:	Minutes of January 13, 2020	Senators Vick and Stennett
	Minutes of January 15, 2020	Senators Anthon and Buckner-Webb

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge	Sen Anthon
Vice Chairman Harris	Sen Souza
Sen Hill	Sen Stennett
Sen Winder	Sen Buckner-Webb
Sen Vick	

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, January 24, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and Buckner-Webb

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** called the Senate State Affairs Committee (Committee) to order at 8:01 a.m.

RS 27220 RELATING TO BINGO AND RAFFLES to propose revisions to multiple statutes for clarification purposes and to reduce the size of the board and number of meeting per year.

Jeffrey Anderson, Director of the Idaho Lottery Commission presented **RS 27220** which modifies and updates Idaho Code § 67, Chapter 77, the statutes regarding charitable bingos and raffles. **Mr. Anderson** introduced Tony Pittz, Director of Lottery Security, Angela Vitek, Charitable Gaming Coordinator, and Becky Schroeder, Chief Operating Officer.

Mr. Anderson said Title 67 was created in 1992 and established the Bingo Raffle Advisory Board (Board) for the Lottery Commission. The Board provides oversight of charitable and non-profit organizations that conduct bingo games and raffles.

Mr. Anderson said in 2018 there were over \$5.5 million in distributions made to charitable organizations in Idaho, a 66 percent increase from the \$3.3 million in 2010. He provided examples of some of the issues they have experienced in the past, and why these changes are necessary.

MOTION: **Senator Anthon** moved to send **RS 27220** to print. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

RS 27210 RELATING TO VETERANS SERVICES to authorize a change of procedure when making fund transfers from certain accounts and repeals certain conflicting language.

Marv Hagedorn, Administrator of the Idaho Division of Veterans Services presented **RS 27210**. **Mr. Hagedorn** said this legislation would change Idaho Code § 65-704 to allow savings revenue to be swept into the Veterans Recognition Income Fund to provide matching grant funds. These funds will be made available for use on new construction, replacement, remodel, and life safety projects for the Idaho State Veterans Homes, cemeteries, as well as other federal grant programs.

MOTION: **Senator Stennett** moved to send **RS 27210** to print. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

RS 27434 A SENATE CONCURRENT RESOLUTION to establish March 14 as Idaho Women's Day.

Janet Gallimore, Executive Director of the Idaho State Historical Society presented **RS 27434**, a concurrent resolution establishing March 14, in perpetuity, as Idaho Women's Day. **Ms. Gallimore** introduced Hannalore Hein, State Historian, and Dax Chizum, Fiscal Officer. She said March 14 was chosen because it occurs during National Women's History Month. It also marks the centennial anniversary of the Nineteenth Amendment that gave women the right to vote, Idaho being the fourth state to grant this right.

MOTION: **Senator Souza** moved to send **RS 27434** to print. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Vick** moved to approve the Minutes of January 13, 2020. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

Senator Anthon moved to approve the Minutes of January 15, 2020. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:24 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Denise B. McNeil
Assistant to the Assistant Majority
Leader

AMENDED AGENDA #1
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Wednesday, January 29, 2020

SUBJECT	DESCRIPTION	PRESENTER
<u>RS27423</u>	A CONCURRENT RESOLUTION designating November 7, 2020 and each succeeding year as Victims of Communism Memorial Day.	Senator Vick
<u>RS27422</u>	RELATING TO DAYLIGHT SAVING TIME to add a new chapter.	Senator Vick
<u>RS27479</u>	RELATING TO ELECTIONS to revise requirements for write in candidates.	Kelli Brassfield, Idaho Association of Counties
<u>RS27480</u>	RELATING TO ELECTIONS to revise provisions regarding the security of ballots after being counted.	Kelli Brassfield, Idaho Association of Counties
<u>RS27481</u>	RELATING TO CITY ELECTIONS to establish provisions regarding certain uncontested city elections.	Kelli Brassfield, Idaho Association of Counties
<u>S 1243</u>	RELATING TO THE STATE BUDGET to allow equitable distribution of government overhead expenses.	David Fulkerson, Division of Financial Management
<u>S 1244</u>	RELATING TO THE STATE BUDGET to change the criteria for some certain coded items to meet State Controller's fiscal policy.	David Fulkerson, Division of Financial Management
<u>S 1245</u>	RELATING TO PUBLIC OFFICERS to clarify provisions regarding certain funds.	David Fulkerson, Division of Financial Management

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge	Sen Anthon
Vice Chairman Harris	Sen Souza
Sen Hill	Sen Stennett
Sen Winder	Sen Buckner-Webb
Sen Vick	

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, January 29, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Souza, Stennett, and Buckner-Webb.

ABSENT/ EXCUSED: Senator Anthon

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** called the Senate State Affairs Committee (Committee) to order at 8:05a.m.

RS 27423 **A CONCURRENT RESOLUTION** designating November 7, 2020 and each succeeding year as Victims of Communism Memorial Day.

Senator Vick presented **RS 27423**, a concurrent resolution to establish the Victims of Communism Memorial Day. He said that people who live under communist regimes go to great lengths, even risking death, to be free. The threat of communism is always present, even in the United States. He continued that it is important to expose young people to the horrors that happen in many communist countries.

Senator Vick said new statistics have shown a resurgence in an interest in communism and socialism in the United States and that a 2018 YouGov poll found that more than half of millennials say they would prefer to live in a socialist or communist country. He spoke of Hong Kong, and how it is a perfect example of people fighting for their freedom against the Communist regime of China.

Senator Vick read the resolution to the Committee and explained that the date of November 7, 2017, was the centennial anniversary of the Bolshevik Revolution, the first communist regime in the world. President Trump made November 7th a national day for the victims of communism and that is why this date was chosen for the Victims of Communism Memorial Day. He finished by saying that designating this memorial day is not a partisan issue. It is a day to honor the people who have suffered and died under communism. (Attachment 1)

DISCUSSION: The Committee discussed the resolution and agreed this day should be memorialized, with the hope of inspiring further discussions and actions. They agreed that it was important to remember the injustices, not only in communist countries, but the rest of the world as well.

MOTION: **Senator Souza** moved to send **RS 27423** to print. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

RS 27422 **Relating To Daylight Saving Time** to add a new chapter.

Senator Vick next presented **RS 27422** and said it amends Title 67 of Idaho Code, and adds a new chapter. Chapter 96 proposes to have daylight savings time year round in those areas of Idaho and all its political subdivisions that are in the Pacific time zone. He said this bill is contingent on the State of Washington making daylight savings time the permanent time of that state.

MOTION: **Senator Winder** moved to send **RS 27422** to print. **Senator Hill** seconded the motion. The motion carried by **voice vote**.

RS 27479 **RELATING TO ELECTIONS** to revise requirements for write-in candidates.

Kelli Brassfield, representing the Idaho Association of Counties, presented **RS 27479**, relating to the write-in deadline for elections. She said all partisan offices have a write-in deadline of 28 days prior to an election and all non-partisan offices have a deadline of the seventh Friday or 45 days prior to the election. Clerks are required to start mailing their absentee ballots 45 days prior to an election. This proposed legislation seeks to move the write-in deadline back to the eighth Friday or 52 days prior to an election, giving clerks additional time to prepare their ballots with the Secretary of State's office, and get them mailed out in on time.

Ms. Brassfield said they have added a provision for write-in candidates filing with the Secretary of State's office requiring them to pay the filing fee at the time of filing. The last change seeks to authorize the Secretary of State's office to design the ballot without a write-in line if no one has filed as a write-in candidate. This does not create any additional duties or burdens to their office.

Senator Hill questioned the wording that referenced the fee payment deadlines for write-in candidates, and asked if the two deadline options were the same date. **Ms. Brassfield** stated one option was for the petition filing and the other was for the write-in filing. For clarification and to alleviate any confusion, she stated she would have more information at the hearing.

MOTION: **Vice Chairman Harris** moved to send **RS 27479** to print. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

RS 27480 **RELATING TO ELECTIONS** to revise provisions regarding the security of ballots after being counted.

Ms. Brassfield next presented **RS 27480** that relates to city elections and the security of ballots during the period which individuals can request a re-count. With this legislation, all ballots will remain sealed and secure until the 20-day period has passed, or a re-count has been requested and completed. She said this ensures there is no ballot tampering. **Ms. Brassfield** met with the Secretary of State's office and this legislation does not create any additional duties or burdens.

MOTION: **Senator Stennett** moved to send **RS 27480** to print. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

RS 27481 **RELATING TO CITY ELECTIONS** to establish provisions regarding certain uncontested city elections.

Ms. Brassfield next presented **RS 27481** which addresses uncontested city elections. She stated that cities currently are required to hold elections even when a seat is uncontested. She said this legislation will remove the requirement that the city would not have to hold an election if there is only one candidate for each seat, essentially making it an uncontested election.

Ms. Brassfield responded to Senator Stennett's questions and said this legislation only applies if all the candidates on the ballot were uncontested. If one candidate position was contested, the uncontested candidates would have to run as well, and an election would need be held.

MOTION: **Senator Stennett** moved to send **RS 27481** to print. **Senator Vick** seconded the motion. The motion carried by **voice vote**.

S 1243 **RELATING TO THE STATE BUDGET** to allow equitable distribution of government overhead expenses.

David Fulkerson, Deputy Administrator and State Financial Officer for the Idaho State Division of Financial Management, presented **S 1243**, the statute regarding the equitable distribution of government overhead expenses. **Mr. Fulkerson** said this legislation eliminates Idaho Code § 67-3524. All its functions will now be covered under Idaho Code § 67-3531.

MOTION: **Senator Vick** moved to send **S 1243** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

S 1244 **RELATING TO THE STATE BUDGET** to change the criteria for certain coded items to meet the State Controller's fiscal policy.

Mr. Fulkerson next presented **S 1244**, relating to Idaho Code § 67-3508, the statute that governs expenditure object codes. He said this legislation will strike the language "2-year service requirement" and change it to meet the State Controller's fiscal policy for inventoriable capital assets. This allows smaller items to become operating expenses and not recorded as capital outlay.

Responding to Senator Stennett's question regarding threshold limits, **Mr. Fulkerson** stated that the State Controller's policy dictates items over \$2,000 must be inventoried, as well as any items that need to be tracked for security reasons.

MOTION: **Senator Hill** moved to send **S 1244** to the floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

S 1245 **RELATING TO PUBLIC OFFICERS** to clarify provisions regarding certain funds.

Mr. Fulkerson next presented **S 1245** relating to Idaho Code § 59-1014, the statute that governs how the state deposits money when received by state agencies. He said that some agencies have struggled to meet the 24-hour deadline for depositing cash. With this legislation, the Board of Examiners can now make exceptions to this deadline for specific situations.

MOTION: **Senator Hill** moved to send **S 1245** to the floor with a **do pass** recommendation. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

INTRODUCTION: **Chairwoman Lodge** introduced former Committee member, Senator Siddoway (12 years).

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:40 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Denise B. McNeil
Assistant to the Assistant Majority
Leader

RS 27423

Senator Vick
Attachment 1
1-29-2020



VICTIMS OF COMMUNISM MEMORIAL FOUNDATION

Current Communist Regimes

The following independent states are ruled by self-declared Marxist-Leninist socialist regimes.

China [PRC]	67 years under communism	65 million killed
Cuba	58 years under communism	Tens of thousands killed
Laos	41 years under communism	Thousands killed
North Korea	69 years under communism	Two million killed
Vietnam	41 years under communism	One million killed

Historical Communist Regimes

The following independent states were ruled by self-declared Marxist-Leninist socialist regimes during the twentieth century.

Albania	Ethiopia	Poland
Afghanistan	Georgia*	Republic of the Congo
Angola	Germany†	Romania
Armenia*	Hungary	Russia*
Azerbaijan*	Kazakhstan*	Serbia**
Belarus*	Kosovo**	Slovakia†
Benin	Kyrgyzstan*	Slovenia**
Bosnia and Herzegovina**	Latvia*	Somalia
Bulgaria	Lithuania*	Tajikistan*
Cambodia	Macedonia**	Turkmenistan*
Croatia**	Moldova*	Ukraine*
Czech Republic†	Mongolia	Uzbekistan*
Eritrea†	Montenegro**	Yemen†
Estonia*	Mozambique	

* This country formed part of the USSR (Union of Soviet Socialist Republics).

** This country formed part of Yugoslavia.

† The Czech and Slovak republics were formerly parts of a single state, Czechoslovakia.

‡ Of current-day Germany, only the former East Germany was ruled by a communist regime. Of current-day Yemen, only South Yemen was ruled by a communist regime. Current-day Eritrea formed part of Ethiopia during its communist rule.

Soviet Union 30 - 35 million killed

AMENDED AGENDA #2
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Friday, January 31, 2020

SUBJECT	DESCRIPTION	PRESENTER
GUBERNATORIAL APPOINTMENT:	THE GUBERNATORIAL APPOINTMENT of Representative Steve Harris to the Idaho Endowment Fund Investment Board.	Representative Harris
RS27457	RELATING TO CAMPAIGN FINANCE to revise provisions for reporting by candidates for judicial office.	Phil McGrane, Ada County Clerk
S 1254	RELATING TO BINGO AND RAFFLES to clarify multiple statutes for clarity and ease of use and to reduce the number of districts, board members, and meetings.	Jeff R. Anderson, Lottery Commission
H 321	RELATING TO LIQUOR to correct a misplaced word.	Representative Scott Syme

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge	Sen Anthon
Vice Chairman Harris	Sen Souza
Sen Hill	Sen Stennett
Sen Winder	Sen Buckner-Webb
Sen Vick	

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, January 31, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and Mathias (Buckner-Webb)

**ABSENT/
EXCUSED:** None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** called the Senate State Affairs Committee (Committee) meeting to order at 8:00 a.m.

GUBERNATORIAL APPOINTMENT: **THE GUBERNATORIAL APPOINTMENT** of Representative Steve Harris to the Idaho Endowment Fund Investment Board.

Representative Steve Harris, District 21, stated he is a small business owner and has a business degree in manufacturing. He currently does evaluations on businesses. He said he has been on the Idaho Endowment Fund Investment Board since 2019 and appreciates how organized and professional they are. During this time, he has found it to be very educational and has been familiarizing himself with the managers and learning about their roles. He attends board meetings, presentations, participates in discussions, gives his input, and contributes his version of common sense.

Senator Winder commented that he appreciates what Representative Harris brings to the Board.

Chairwoman Lodge announced that voting would be at the next meeting on Monday, February 3, 2020.

Chairwoman Lodge changed the order from the agenda and asked Representative Syme to present first.

H 321 **RELATING TO LIQUOR** to correct a misplaced word.

Representative Scott Syme, District 11, presented **H 321**, which relates to Idaho Code § 23-944: Exceptions from Restriction on Entering or Remaining. He said that correcting the placement of the word "plaza" will clarify the true intent of the rule.

MOTION: **Senator Souza** moved to send **H 321** to the floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

RS 27457 **RELATING TO CAMPAIGN FINANCE** to revise provisions for reporting by candidates for judicial office.

Phil McGrane, Ada County Clerk, presented **RS 27457** which relates to campaign finance. This legislation seeks to revise provisions for reporting by candidates running for judicial office.

Mr. McGrane said they have begun implementing the new campaign finance system for the laws changed in 2019. Local government offices were exempt from having to file campaign finance reports on those candidates who received contributions of less than \$500. However, it was discovered that this did not apply to the judiciary candidates. He said this new legislation will extend that \$500 exemption to the judicial branch, impacting both district and magistrate judges.

Mr. McGrane said he consulted with Judge Wood. Judge Wood presented these revisions to the judiciary, and they are in support of the changes.

MOTION:

Senator Winder moved to send **RS 27457** to print. **Senator Vick** seconded the motion. The motion carried by **voice vote**.

S 1254

RELATING TO BINGO AND RAFFLES to clarify multiple statutes for clarity and ease of use and to reduce the number of districts, board members, and meetings.

Jeff R. Anderson, Director of the Idaho Lottery Commission (Commission), presented **S 1254** relating to bingo and raffles, and changes to clarify multiple statutes of Idaho Code § 67-77. He said the Bingo Raffle Advisory Board (Board) was established in 1992 due to concerns over fairness of charitable games. He introduced Tony Pittz, Director of Lottery Security, and Angela Vitek, Charitable Gaming Coordinator for the Lottery Enforcement Division.

Mr. Anderson further explained the key points of change:

- sections were clarified and reordered to make them easier to read and follow;
- the size of the board was reduced from six to five and a quorum of three is all that would be necessary;
- board members are required to be involved in charitable activities;
- vacates the defined geographic districts;
- vacates political party restrictions of the board;
- reduces the mandatory meetings from three to two per year; and
- board members will be appointed by the governor with consent of the Senate to at-large positions for a three-year term.

He said that the board is advisory only and reports to the five-member Commission which does have a political affiliation requirement in law; no more than three Commission members can be of the same political party.

DISCUSSION:

Senator Stennett asked the following questions:

- In what capacity is the board advising;
- why were the political party portion and geographic region changed;
- why did Board member positions change to "at-large"; and
- is the Board concerned about consolidation in one area (i.e. Ada County) due to lack of participants.

Mr. Anderson responded that in his 13 years on the Commission, they have strived to avoid being the "Ada County" lottery. He said there is no requirement regarding geographic diversity. One of the six positions on the Board has been vacant for several years and it has been difficult

finding people; this is further complicated by the political requirements. He continued stating the Board members are volunteers, are very involved with the activities, and do not make policy, but do make recommendations.

Mr. Anderson concluded stating that these activities tend to occur in the higher populated areas. Of the six districts, the greatest volume is in the Boise area, and the second is in the Coeur D'Alene area.

MOTION:

Senator Souza moved to send **S 1254** to the floor with a **do pass** recommendation. **Vice Chairman Harris** seconded the motion. The motion carried by **voice vote**.

ADJOURNED:

There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:23 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Denise B. McNeil
Assistant to the Assistant Majority
Leader

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Monday, February 03, 2020

SUBJECT	DESCRIPTION	PRESENTER
VOTE ON GUBERNATORIAL APPOINTMENT:	VOTE ON THE GUBERNATORIAL APPOINTMENT of Representative Steve Harris to the Idaho Endowment Fund Investment Board.	
<u>RS27463</u>	A CONCURRENT RESOLUTION to request federal grants expanding Boise Veterans Cemetery and other safety projects.	Senator Lakey
<u>RS27464</u>	A CONCURRENT RESOLUTION to authorize the Idaho Division of Veterans Services to enter into an agreement with the Idaho State Building Authority.	Senator Lakey
<u>RS27485</u>	RELATING TO CONSTRUCTION OF STATUTES to eliminate inactive provisions of law.	Colby Cameron, Division of Financial Management
<u>RS27486</u>	RELATING TO THE BOARD OF CEMETERIANS to eliminate an inactive licensing board.	Colby Cameron, Division of Financial Management
<u>S 1255</u>	RELATING TO VETERANS SERVICES to implement the transfer of funds between accounts to provide for matching grants	Marv Hagedorn, Division of Veterans Affairs
<u>H 343</u>	RELATING TO WINE to establish businesses for the purpose of storing/ handling wines produced by vintners and wineries.	Roger Batt, Idaho Wine and Grape Growers
MINUTES APPROVAL:	Minutes of January 20, 2020	Senator Harris and Senator Souza
	Minutes of January 24, 2020	Senator Hill and Senator Stennett
	Minutes of January 17, 2020	Senator Winder and Senator Vick

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Harris

Sen Hill

Sen Winder

Sen Anthon

Sen Souza

Sen tStennett

Sen Buckner-Webb

COMMITTEE SECRETARY

Twyla Melton

Room: WW42

Phone: 332-1326

Email: sstaf@senate.idaho.gov

Sen Vick

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, February 03, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and Mathias (Buckner-Webb)

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** convened the Senate State Affairs Committee (Committee) at 8:00 a.m.

VOTE ON GUBERNATORIAL APPOINTMENT: **VOTE ON THE GUBERNATORIAL APPOINTMENT** of Representative Steve Harris to the Idaho Endowment Fund Investment Board.

MOTION: **Senator Winder** moved to send the Gubernatorial appointment of Representative Steve Harris to the Idaho Endowment Fund Investment Board to the floor with the recommendation that he be confirmed by the Senate. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

RS 27463 **A CONCURRENT RESOLUTION** to request federal grants expanding Boise Veterans Cemetery and other safety projects.

Senator Todd Lakey, District 12, said both **RS 27463** and **RS 27464** relate to a group of people who have protected our country and freedom, often at the sacrifice of their personal health and even their lives. Both resolutions allow filing for federal grants and then must go through the Joint Finance Appropriations Committee (JFAC) process. **RS 27463** allows filing for federal funds to expand the Boise Veterans Cemetery and to make some life safety and other improvements at the Lewiston and Pocatello veterans homes. **Senator Lakey** described the types of improvements that would be made in all of these locations. This will allow state funds to be leveraged to accomplish more with the dollars available. There will be no fiscal impact.

RS 27464 **A CONCURRENT RESOLUTION** to authorize the Idaho Division of Veterans Services to enter into an agreement with the Idaho State Building Authority.

MOTION: **Senator Vick** moved to send **RS 27463** and **RS 27464** to print. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

RS 27485 **RELATING TO CONSTRUCTION OF STATUTES** to eliminate inactive provisions of law.

Colby Cameron, Division of Financial Management, explained that during the 1919 legislative session, some special statutes were passed that were not general laws, were not incorporated into code, were not implemented and are no longer pertinent to the state. Some involved roads and a cemeterian board and both **RS 27485** and **RS 27486** made technical corrections.

RS 27486 **RELATING TO THE BOARD OF CEMETERIANS** to eliminate an inactive licensing board.

MOTION: **Vice Chairman Harris** moved to send **RS 27485** and **RS 27486** to print. **Senator Vick** seconded the motion. The motion carried by **voice vote**.

S 1255 **RELATING TO VETERAN SERVICES** to implement the transfer of funds between accounts to provide for matching grants.

Marv Hagedorn, Chief Administrator, Idaho Division of Veteran Services (IDVS), explained there are two funds that are used as savings accounts: the Veterans Recognition Fund and the Idaho Veterans Recognition Income Fund (Income Fund) which were started several years ago with \$20 million from monies the veterans homes had saved. Those funds went into the Veterans Recognition Fund and, along with a grant from the Veterans Benefits Administration (VA), were used to build a home in Post Falls which was recently completed. In this process, transferring funds was problematic. **Mr. Hagedorn** elaborated on those issues and how this new process to administer the grant would solve the problems. The objective is to have the Income Fund set up properly so those funds can be used for grant matching dollars. Future savings will be put into the Income Fund where they cannot be spent except through JFAC and the Legislature, but can qualify as matching funds to apply for VA grants.

DISCUSSION: **Senator Winder** referred to the last line on page 2, "determined by the Division of Veteran Services" and asked who makes that determination. **Mr. Hagedorn** responded that it depends on the situation. However, a decision would never be made if both the financial advisors and the administrator were not involved. The team works together but the decision is ultimately made by the administrator.

MOTION: **Senator Souza** moved to send **S 1255** to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

H 343 **RELATING TO WINE** to establish businesses for the purpose of storing/ handling wines produced by vintners and wineries.

Roger Batt, representing Idaho Grape Growers and Wine Producers Commission, stated that the wine and grape industry is one of the fastest growing industries in Idaho. It is also the most regulated because they must follow both state and federal standards regarding excise taxes because of the alcohol content. **H 343** is being introduced to allow wineries to store their product at off-site facilities. Currently, if a winery cannot store all of the wines they produce on-site, or with its contracted distributor, the winery must ship their product out-of-state to a storage facility bonded to store wine from different wineries. This legislation would allow bonded warehouses in Idaho but those warehouses could not be distributors. **Mr. Batt** explained how the transition would occur, the licensing process, and noted that the Idaho State Police were involved in drafting this legislation. The legislation would save business owners a large amount of money and offer opportunities for new businesses in Idaho.

DISCUSSION: **Senator Anthon** asked if anyone is engaging in this business, and where would the \$300 licensing fee go. **Mr. Batt** answered it is not legal to do this type of business in Idaho, and the fee will go to beverage control.

Senator Winder and **Mr. Batt** discussed how a bond was related to the warehouse, the separation of a bonded warehouse and the winery, and how surety bonds and insurance covered the product and taxes. In response to Vice Chairman Harris' question, **Mr. Batt** explained the process of obtaining a license.

Senator Anthon and **Mr. Batt** discussed current state and federal regulations. **Mr. Batt** stated If a winery cannot store its product on site or with its distributor, the winery must go out-of-state, which 25-50 percent do, costing them thousands

of dollars. This legislation sets the framework for a new warehouse type business that would be available for those wineries.

Senator Souza and **Mr. Batt** discussed how state and federal laws interacted with one another and changing the state law was preferable but federal regulations also must be considered. Federal code 27 CFR § 19.322 (b) specifically says wine can only be stored where it is produced, at a contracted distributor, or at a bonded wine warehouse. This legislation allows for bonded wine warehouses in Idaho.

MOTION: **Senator Anthon** moved to send **H 343** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion.

DISCUSSION: **Senator Anthon** spoke to the bill stating, under the current regulatory system, Idaho wineries are at a disadvantage and gave the reasons why. One choice is to vote against this bill which would further the problem and that is not acceptable; the best that can be done for Idaho and this industry is to send **H 343** to the floor with a do pass recommendation.

VOICE VOTE: The motion carried by **voice vote**.

MINUTES APPROVAL: **Vice Chairman Harris** moved to approve the Minutes of January 20, 2020. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

Senator Hill moved to approve the Minutes of January 24, 2020. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

Senator Winder moved to approve the Minutes of January 17, 2020. **Senator Vick** seconded the motion. The motion carried by **voice vote**.

Chairwoman Lodge welcomed Senator Chris Mathias who will be participating in the Committee meetings in the absence of Senator Buckner-Webb.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:44 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

AMENDED AGENDA #1
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Wednesday, February 05, 2020

SUBJECT	DESCRIPTION	PRESENTER
PRESENTATION:	YOUTH VAPING EPIDEMIC	Dr. Bonnie Halpern-Felsher, Stanford Professor
<u>S 1269</u>	RELATING TO ELECTIONS to ensure that ballots remain sealed until recount period has passed.	Kelli D Brassfield, Idaho Association of Counties
<u>S 1268</u>	RELATING TO ELECTIONS changes deadline for write-in candidates.	Kelli D Brassfield, Idaho Association of Counties
PRESENTATIONS:	IDAHO NATIONAL LABORATORY (INL) – the new home to the National Reactor Innovation Center.	Mark Peters, Laboratory Director, INL
	NATIONAL REACTOR INNOVATION CENTER INL	Ashley Finan, Director, National Reactor Innovation Center

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Harris

Sen Hill

Sen Winder

Sen Vick

Sen Anthon

Sen Souza

Sen Stennett

Sen Buckner-Webb

COMMITTEE SECRETARY

Twyla Melton

Room: WW42

Phone: 332-1326

Email: sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 05, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and Buckner-Webb

**ABSENT/
EXCUSED:** none

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Vice Chairman Harris** called the Senate State Affairs Committee (Committee) to order at 8:00 a.m.

PRESENTATION: YOUTH VAPING EPIDEMIC.

Dr. Halpern-Felsher, Professor (Research) Of Pediatrics (Adolescent Medicine), Stanford University, gave a presentation on vaping. She said there has been a major drop in cigarette use, but a marked increase in e-cigarette use. She shared several points from the Idaho 2019 Youth Risk Survey:

- e-cigarettes are designed to be attractive and sleek with youth appeal packaging perfect for hiding;
- e-cigarettes are considered a tobacco product and are cheaper than cigarettes;
- they come in disposable puff bars loaded with nicotine, and are equal to two packs of cigarettes;
- e-cigarettes are in the fifth generation of products with new flavors designed for young people;
- e-cigarettes are very harmful, especially when heated to 300-400° and inhaled;
- Idaho vape shops are selling to minors even though 21 is the legal age;
- the federal government has authority to regulate e-cigarettes, even though they are legal;
- enforcement is up to the state and local agencies and since e-cigarette products are used by many people, this could hinder enforcement.

Dr. Halpern-Felsher responded to questions from the Committee and said that over the last decade marijuana use has leveled out, however, edible use of marijuana is up. Since it takes longer to be absorbed by the body, the chance of overdose increases especially since tetrahydrocannabinol (THC) is ten times more potent than it was in the 1960s. This potency and the effects on a developing brain are still being studied. She said there are many health issues associated with high nicotine use including headaches, asthma and pneumonia. Even second-hand vapors can cause these symptoms. When e-cigarettes are inhaled, the vitamin E acetate clogs lungs and they can become hardened.

S 1269

RELATING TO ELECTIONS - to ensure that ballots remain sealed until the recount period has passed.

Kelli Brassfield, from the Idaho Association of Counties, presented **S 1269**, which pertains to the security of ballots when there is a recount. This legislation will clarify the statute regarding the process when recounting occurs.

In response to a question regarding the custodian of the ballots until the recount, **Phil McGrane**, Ada County Clerk, said the elected clerk is the custodian of the ballots. If there is a recount, those ballots will be transferred to the sheriff.

MOTION:

Senator Anthon moved to send **S 1269** to the floor with a **do pass** recommendation. **Chairwoman Lodge** seconded the motion. The motion carried by **voice vote**.

S 1268

RELATING TO ELECTIONS - changes deadline for write-in candidates

Ms. Brassfield next presented **S 1268**, which pertains to the write-in deadlines for reelection. This legislation will change the deadline dates for both partisan and non-partisan offices to the eighth Friday prior to the election, plus write-in requirements.

MOTION:

Senator Anthon moved to send **S 1268** to the 14th Order of Business for possible amendment. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

PRESENTATION: IDAHO NATIONAL LABORATORY (INL) – the new home to the National Reactor Innovation Center.

Dr. Mark Peters, Laboratory Director, introduced his colleagues, John Revere, John Wagner, and Dr. Ashley Finan. He gave a brief history of the lab, and how they got their start by testing battleship guns during World War II.

Dr. Peters said the lab is aligned with the nation's needs for nuclear and clean energy, and space security. This has created significant growth, and consequentially, a shortage of skilled workers. He said they are addressing this issue by working with trade unions and community colleges to make job opportunities known to students, and working with STEM programs to raise awareness. In collaboration with Idaho State University and Boise State University, students and faculty now work together on research in the two newly constructed Cybersecurity and Computing Research facilities (see Attachment 1).

Dr. Ashley Finan, Director of the National Reactor Innovation Center (NRIC), next spoke about NRIC, their mission, and how they are accomplishing it. The Department of Energy (DOE) launched NRIC under the Nuclear Capability Innovation Abilities Act. She said the NRIC provides innovators with the necessary support to test and demonstrate advanced nuclear reactor concepts, provide capabilities to accelerate technology from proof of concept, through proof of operations, with the goal of providing clean efficient energy (see Attachment 2).

In response to Committee questions, **Dr. Finan** detailed the qualifications for innovators and named a few, including Westinghouse and Terrapower; Terrapower is owned in part by Bill Gates. She said the closed-circuit process, currently used in France, is being explored now that the federal government is reevaluating how to access used nuclear energy.

Dr. Finan said there are many opportunities for the State of Idaho and the private sector in participating in energy production. NRIC is currently working on battery storage for vehicles and how to supply the energy needs at charging stations. She said micro reactors would be a good fit and could be used in the future for both private and public transportation needs.

ADJOURNED: There being no further business at this time, **Vice Chairman Harris** adjourned the meeting at 10:20 a.m.

Senator Lodge, Chair

Twyla Melton, Secretary

Denise B. McNeil
Assistant to the Assistant Majority
Leader



www.inl.gov

Idaho National Laboratory






Mark Peters, PhD
 Director, Idaho National Laboratory


February 6, 2020
 Boise, Idaho

1



The Idaho National Laboratory – 70 Years of Groundbreaking Nuclear Energy R&D

National Reactor Testing Station



INEL

Energy Mission – Reactor Science, Safety and Sustainability Solutions

INEEL

Environmental Management Mission

Building a Laboratory

INL
 Idaho National Laboratory

INEEL & ANL-W combined to create the new Idaho National Laboratory

Nuclear Energy

National and Homeland Security

Energy and Environment

International Intellectual Leadership

Advancing Nuclear Energy

Securing & Modernizing Critical Infrastructure

Enabling Clean Energy Systems

Argonne
 NATIONAL LABORATORY

1949

1974

1997

2005

2020

2

2



3

National Reactor Innovation Center

www.inl.gov

INL
Idaho National Laboratory

Ashley E. Finan, Ph.D.
Director, NRIC


February 6, 2020
Boise, Idaho

COMMUNITY EXCELLENCE


SCIENTIFIC AND TECHNICAL EXCELLENCE

OPERATIONAL EXCELLENCE

4



DOE Launched NRIC on August 15th, 2019




- **Authorized by the Nuclear Energy Innovation Capabilities Act to provide innovators with necessary support to test and demonstrate their reactor concepts and assess their performance.**
- **NRIC will be led by INL, coordinating with other national labs**


NRIC provides capabilities to accelerate technology readiness from proof of concept through proof of operations

5

5

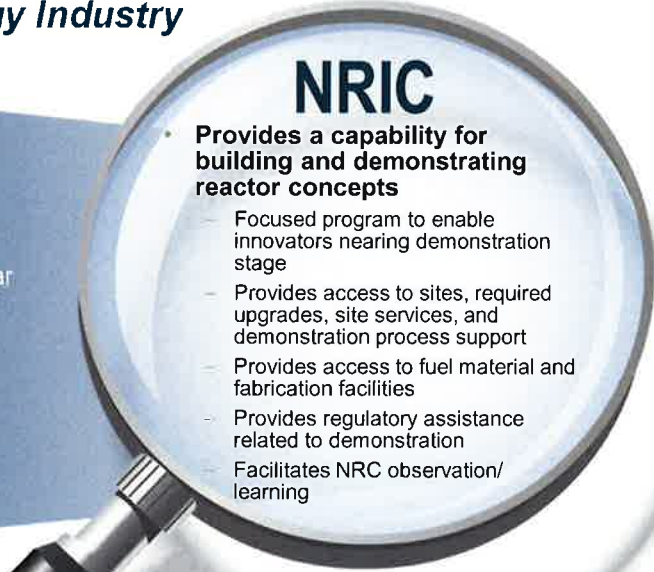


NRIC and GAIN are Complementary and Coordinated Efforts to Support the Nuclear Energy Industry



GAIN

- **Established in 2015 as a resource for accelerated development of nuclear innovations with lab partners**
 - Comprehensive resource to entire nuclear innovation ecosystem at all development stages
 - Provides streamlined access to testing, MASL, experimental facilities, lab expertise, and legacy data
 - Regulatory expertise (e.g. NRC advanced reactor licensing strategy support)
 - Financial support




NRIC

- **Provides a capability for building and demonstrating reactor concepts**
 - Focused program to enable innovators nearing demonstration stage
 - Provides access to sites, required upgrades, site services, and demonstration process support
 - Provides access to fuel material and fabrication facilities
 - Provides regulatory assistance related to demonstration
 - Facilitates NRC observation/learning

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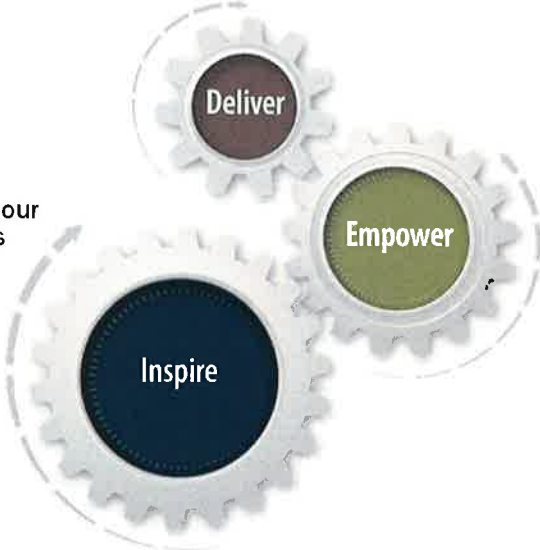


NRIC Mission

MISSION

NRIC will accelerate deployment of advanced reactors by:

- **Inspiring stakeholders** and the global public with our vision, commitment, and plan to change the world's energy future;
- **Empowering innovators** to test and demonstrate reactors by enabling access to facilities, materials, and expertise; and
- **Delivering successful outcomes for the nation** through efficient coordination of partners and resources.



7

7



Preliminary Strategy

Inspire

With Action, Urgency, and Results

- Outreach/Showcase/Events
- Convening space
- Practical aesthetic design
- Visualization, augmented reality, etc.
- Test groundbreaking and cost-cutting techniques
- Center for developers including ARPA-E and GAIN recipients

Empower

With Preparation, Teamwork, and Leadership

- Provide access to government resources, facilities, & infrastructure
- Support permitting/regulatory needs
- Facilitate contracting and local engagement
- Collaborate with and support existing projects

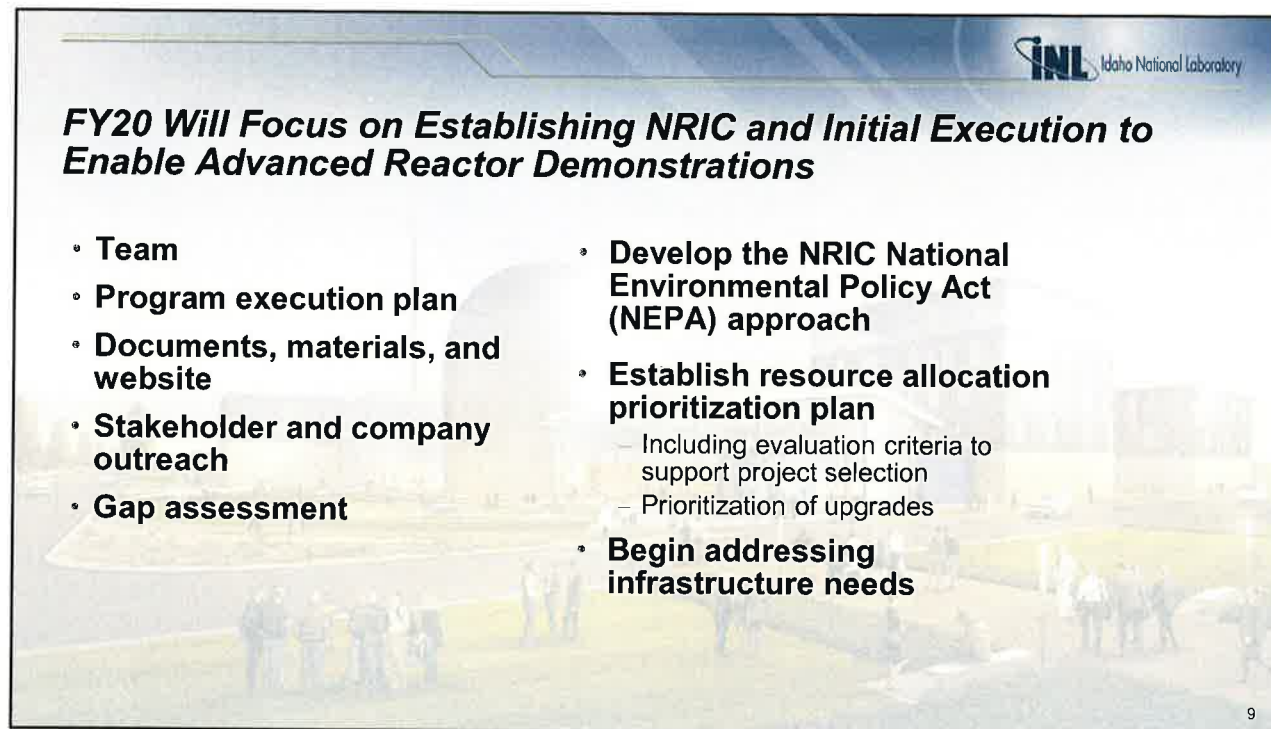
Deliver

With Follow-Through and an Intense Focus on Outcomes

- Prepare sites
- Create demonstration pathways
- Provide navigation support from start to finish
- Core team for rapid demonstration excellence
- Understand private sector needs and meet them

8

8



INL Idaho National Laboratory

FY20 Will Focus on Establishing NRIC and Initial Execution to Enable Advanced Reactor Demonstrations


- Team
- Program execution plan
- Documents, materials, and website
- Stakeholder and company outreach
- Gap assessment
- Develop the NRIC National Environmental Policy Act (NEPA) approach
- Establish resource allocation prioritization plan
 - Including evaluation criteria to support project selection
 - Prioritization of upgrades
- Begin addressing infrastructure needs

9

9



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NRIC and GAIN are Complementary and Coordinated Efforts to Support the Nuclear Energy Industry		
	GAIN: <i>A resource for accelerated development of nuclear innovations with lab partners</i>	NRIC: <i>A capability for building and demonstrating reactor concepts with lab partners</i>
Description	Single point of access to DOE National Laboratory complex and comprehensive resource for collaboration and access	Program to enable testing and demonstration of advanced reactor concepts and supporting technology
Primary Partners	Entire commercial nuclear innovation ecosystem	Innovators ready to test and demonstrate new concepts
Facilitates access to	<ul style="list-style-type: none"> • Testing • Computational Capabilities • Modeling and Simulation • Experimental capabilities • Laboratory expertise • Legacy data • Funding 	<ul style="list-style-type: none"> • Demonstration sites and services • Fuel material and fabrication • Demonstration expertise • Demonstration-related testing • Other, based on stakeholder needs
Creates	<ul style="list-style-type: none"> • Enduring technical relationships • Efficient contracting structures • New regulatory resources 	<ul style="list-style-type: none"> • Facilities and site upgrades needed for testing and demonstration • Innovative contracting approaches for demonstration • Successful demonstrations for collection of performance data

U.S. DEPARTMENT OF
ENERGY

Office of
NUCLEAR ENERGY



Clean. Reliable. Nuclear.

National Reactor Innovation Center

*Enabling the testing and
demonstration of advanced
reactor concepts*

The National Reactor Innovation Center (NRIC) at Idaho National Laboratory provides resources for testing, demonstration, and performance assessment to accelerate deployment of new advanced nuclear technology concepts.

What is NRIC?

Authorized by the Nuclear Energy Innovation Capabilities Act (NEICA), NRIC provides private sector technology developers access to the strategic infrastructures and assets of the national laboratories. Companies can use these resources for commercial nuclear energy research, development, demonstration and deployment activities. These capabilities will ultimately support a timely and cost-effective path to the licensing and commercialization of new nuclear energy systems.

Why is NRIC needed?

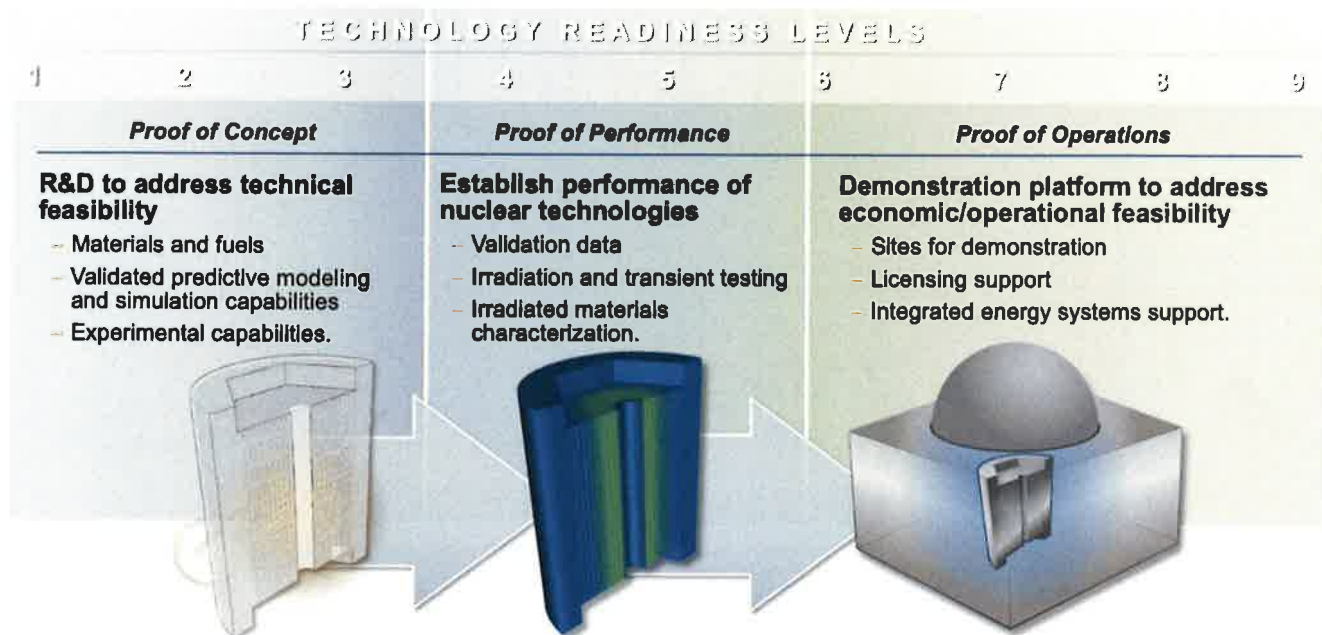
NRIC is intended to:

- Enable testing and demonstration of reactor concepts by the private sector.
- Validate advanced nuclear reactor concepts.
- Resolve technical challenges of advanced nuclear reactor concepts.

- Provide general research and development to improve innovative technologies.

How will NRIC interface with the Gateway for Accelerated Innovation in Nuclear (GAIN)?

Both GAIN and NRIC are necessary components in a modern business model and approach, given today's technological and regulatory environment. The GAIN initiative was developed as a mechanism to provide the nuclear energy industry with access to the technical, regulatory and financial support necessary to move new or advanced nuclear technologies toward commercialization, as well as ensuring the continued reliable, clean and economic operation of the existing nuclear reactor fleet. It offers a single point of access to the broad range of capabilities in DOE's national laboratory complex and has developed and maintained interfaces with the Nuclear Regulatory Commission, which will prove valuable in the advanced nuclear energy systems licensing and commercialization.



NRIC Provides Capabilities to Accelerate Technology Readiness from Proof of Concept through Proof of Operations.

NRIC is a natural extension of GAIN as developers move to the later stages of commercialization—providing the on-the-ground capabilities to accelerate technology readiness from proof of concept through proof of operations. Demonstrating these advanced nuclear energy technologies will ultimately reduce costs and improve the performance of these prototypes as they move to full commercialization.

Why INL?

For more than 70 years, Idaho National Laboratory has played an important leadership role in the development and deployment of current and next-generation nuclear reactors. On this 890 square-mile site in the Idaho desert, the U.S. government—including the Navy—and the private sector built, tested and demonstrated first-of-a-kind reactors that were later deployed around the world. Those activities at the National Reactor Testing Station (NRTS) helped establish U.S. nuclear technology leadership globally.

Data generated at the NRTS and codes validated with these data have played an essential role in informing NRC approaches to regulatory policy and structure. Knowledge built at INL established international standards of regulation, safety and security that enabled global trade. The government's role in facilitating testing and demonstration at the NRTS to provide licensing and regulatory bases, and to mature technology and operations

approaches, was key in developing the current commercial nuclear energy market.

Much of INL's integrated capability was established through decades of investment in the NRTS on the Idaho site.

INL Nuclear Energy Capabilities

- **Advanced Test Reactor**, the world's premier nuclear test reactor, providing unmatched national priority nuclear fuels and materials testing.
- **Cybercore Integration Center**, where multiple initiatives seek to enhance the security and resiliency of industrial controls systems by adopting an interdisciplinary approach to understanding the technical aspects of operational technology in an evolving threat environment.
- **Collaborative Computing Center**, a pioneering computing environment that will become home to INL's newest supercomputer, Sawtooth, as well as space for collaboration with Idaho's universities and researchers from around the world.
- **Materials and Fuels Complex**, a prime testing center for advanced technologies associated with nuclear power systems. This complex is the nexus of research on new nuclear fuels and materials, and includes the following facilities:
 - Analytical Laboratory
 - Fuels and Applied Science Building
 - Space & Security Power Systems Facility
 - Hot Fuel Examination Facility
 - Fuel Conditioning Facility
 - Experiment Fuels Facility
- **Irradiated Materials Characterization Laboratory**, located at the Materials and Fuels Complex, focuses on microstructural, thermal, and mechanical characterization of irradiated nuclear fuels and materials.
- **Transient Reactor Test Facility**, built to conduct transient reactor tests where the test material is subjected to neutron pulses that can simulate accident conditions.
- **Moose Simulation Environment**, the Multi-physics Object Oriented Simulation Environment (MOOSE) has revolutionized predictive modeling work in an array of scientific fields and can help inform real-world experiments.
- **High Temperature Test Laboratory**, which creates specialized sensors that can monitor various properties within a test reactor core during irradiation experiments.
- **Human System Simulation Laboratory**, is a complete virtual nuclear control room created to test new technologies safely before they are implemented in commercial reactor control rooms.

For more information, Contact Kortny Rolston-Duce
(208) 526-1151 • Kortny.rolston-duce@inl.gov

AMENDED AGENDA #1
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Friday, February 07, 2020

SUBJECT	DESCRIPTION	PRESENTER
<u>RS27557</u>	A CONCURRENT RESOLUTION to honor William C. "Bill" Roden and to have the lobbyist lounge at the Idaho State Capitol be known as the " Bill Roden Memorial Lounge".	Senator Lodge and Representative Rubel
<u>RS27605</u>	RELATING TO CITY ELECTIONS to eliminate certain elections if only one person files a declaration of candidacy or if there is only a write-in declaration for each office.	Kelli D. Brassfield, Idaho Association of Counties
<u>RS27352C2</u>	RELATING TO THE STATE BUDGET regarding receipts from the sale of a motor vehicle.	Jordan Watters, Chief of Staff to the Lt. Governor
<u>S 1280</u>	RELATING TO CAMPAIGN FINANCE to extend the same exemption for candidates to judicial offices.	Phil McGrane, Ada County Clerk

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge	Sen Anthon
Vice Chairman Harris	Sen Souza
Sen Hill	Sen Stennett
Sen Winder	Sen Buckner-Webb
Sen Vick	

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, February 07, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and Buckner-Webb

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** called the Senate State Affairs (Committee) meeting to order at 8:07 a.m.

RS 27557 **A CONCURRENT RESOLUTION** to honor William C. "Bill" Roden and to have the lobbyist lounge at the Idaho State Capitol be known as the "Bill Roden Memorial Lounge."

Senator Lodge introduced **RS 27557** to honor William C. "Bill" Roden.

MOTION: **Vice Chairman Harris** moved to send **RS 27557** to print. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

RS 27605 **RELATING TO CITY ELECTIONS** to eliminate certain elections if only one person files a declaration of candidacy or if there is only a write-in declaration for each office.

Kelli D. Brassfield, Associate of the Idaho Association of Counties, presented **RS 27605**, which amends Idaho Code § 50-405, regarding uncontested city elections.

Ms. Brassfield said that after the print hearing, she heard from several cities who told her that the language did not fit their methods or how they run their elections. After discussing alternative language, they agreed to the proposed changes. She said cities will no longer need to hold an election if only one person files a declaration of candidacy or if there is only one write-in for each office in a city election.

MOTION: **Senator Hill** moved to send **RS 27605** to print. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

RS 27352C2 **RELATING TO THE STATE BUDGET** regarding receipts from the sale of a motor vehicle.

Jordan Watters, Chief of Staff to Lieutenant Governor McGeachin, presented **RS 27352C2**, a proposal to amend how the receipts for the sale of an agency motor vehicle are coded. He said the Regional Government Efficiency Working Group (Group), that Lieutenant Governor McGeachin chairs, has been diligently working to find government efficiencies throughout the state.

Mr. Watters said this legislation will allow the proceeds from the sale of an agency's vehicle to be transferred from capital outlay to operating expenditures. He said by allowing the agencies, with the approval of the Division of Financial Management, to use the proceed funds, for example, in renting a car, this will enable greater efficiencies when the agency moves to a fleet management program.

MOTION: **Senator Souza** moved to send **RS 27352C2** to print. **Senator Stennett** seconded the motion. The motion carried by **voice vote**

S 1280 **RELATING TO CAMPAIGN FINANCE** to extend the same exemption for candidates to judicial offices.

Phil McGrane, Ada County Clerk, presented **S 1280** and said this is a follow-up to the campaign finance reforms that took effect on January 1, 2020. Local government candidates are exempt from filing finance reports if their contributions are less than \$500. He said that judiciary candidates were inadvertently overlooked. This legislation will extend that same \$500 exemption to the judiciary.

MOTION: **Senator Buckner-Webb** moved to send **S 1280** to the floor with a **do pass** recommendation. **Senator Vick** seconded the motion. The motion carried by **voice vote**.

IMPROMPTU DISCUSSION: **Vice Chairman Harris** discussed his inquiry to the Attorney General regarding **Docket No. 38-0000-1900**, Omnibus Pending Rule IDAPA 38, Rule of the Department of Administration, and brought attention to the Attorney General's response letter. **Vice Chairman Harris** said this was specific to those sections of rules that were rejected by the House State Affairs Committee. He instructed the Committee to review the Attorney General's opinion letter and they will vote on this rule at the next Committee meeting on Monday, February 10, 2020.

Senator Hill said Rule 3.11 appears to grant authority to inspect, but security cannot exercise that authority. **Vice Chairman Harris** said security staff can search the item but take no action. Law enforcement can take action. He said he would follow up for more clarification and present at the next Committee meeting.

Chairwoman Lodge added that if security finds something that is concerning, they need to call law enforcement.

Senator Souza said in the paragraph Senator Hill referred to, there is a sentence that states "the person may refuse to show the item in question, or even speak to the law enforcement officer or security staff member.. ". She said this makes law enforcement appear limited.

Chairwoman Lodge stated that Brian Kane will be on hand at the Committee meeting to answer questions.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:15 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Denise B. McNeil
Assistant to the Assistant Majority
Leader

AMENDED AGENDA #1
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Monday, February 10, 2020

SUBJECT	DESCRIPTION	PRESENTER
<u>RS27438</u>	RELATING TO TOBACCO PRODUCTS AND ELECTRONIC CIGARETTES to bring Idaho statute into compliance with federal regulation for legal age to purchase tobacco products.	Alacia Handy, Division of Behavioral Health
<u>RS27596</u>	RELATING TO ELECTIONS to create an emergency absentee ballot.	Chad Houck, Chief Deputy, Secretary of State
<u>RS27597</u>	RELATING TO RECALL ELECTIONS to revise provisions for recall petitions and special recall elections.	Chad Houck, Chief Deputy, Secretary of State
<u>RS27617</u>	RELATING TO EXPLODING TARGETS to prohibit exploding targets during a designated fire season.	Senator Stennett
DOCKET NO. <u>38-0000-1900</u>	OMNIBUS PENDING RULES IDAPA 38 Department of Administration 38.04.06, 311.02 – page 402 38.04.07, 309.02 – page 407 38.04.08, 312.02 – page 413 38.04.09, 311.02 – page 422	Keith Reynolds, Deputy Director, Department of Administration Brian Kane, Asst. Chief Deputy, Attorney General's Office
<u>S 1274</u>	RELATING TO THE IDAHO ADMINISTRATIVE PROCEDURE ACT to establish an independent Office of Administrative Hearing	Senator Burgoyne
<u>S 1281</u>	RELATING TO CONSTRUCTION OF STATUTES to eliminate inactive provisions of law.	Colby Cameron, Division of Financial Management
<u>S 1282</u>	RELATING TO BOARD OF CEMETERIANS to eliminate an inactive licensing board.	Colby Cameron, Division of Financial Management
MINUTES APPROVAL:	Minutes of January 29, 2020	Senator Winder and Senator Souza

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge	Sen Anthon
Vice Chairman Harris	Sen Souza
Sen Hill	Sen Stennett
Sen Winder	Sen Mathias(Buckner-Webb)

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov

Sen Vick

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, February 10, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and Buckner-Webb

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** called the Senate State Affairs Committee (Committee) to order at 8:01 a.m.

RS 27438 RELATING TO TOBACCO PRODUCTS AND ELECTRONIC CIGARETTES to bring Idaho statute into compliance with federal regulation for legal age to purchase tobacco products.

Alacia Handy, Division of Behavioral Health, Department of Health and Welfare (DHW), said **RS 27438** will bring Idaho into compliance with federal regulation-Title 21, Federal Food, Drug, and Cosmetic Act. The federal regulation changed the legal age to purchase tobacco products and electronic cigarettes from 18 to 21 years of age. This legislation will make that change as well as add the term "young adults" which would add a statement clarifying that young adults may sell and distribute tobacco products within the scope of their employment. This legislation is intended to be cost neutral.

Senator Hill asked if there would be consequences to Idaho if this bill is not passed. **Ms. Handy** responded if the state chooses not to pass this bill, the state would be in direct non compliance with the federal law. It may also lose funding from the state substance abuse block grant. The total block grant is \$500,000 per year and the loss could be up to 10 percent of that amount. In addition, Idaho may have to commit state funds on an ongoing basis for tobacco prevention programs.

MOTION: **Senator Hill** moved to send **RS 27438** to print. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

RS 27596 RELATING TO ELECTIONS to create an emergency absentee ballot.

Chad Houck, Chief Deputy Secretary of State, said **RS 27596** revises provisions in existing election statute pertaining to absentee ballots by expanding the window for an emergency ballot because of hospitalization. This gives the county clerk the ability to make an in-person absentee precinct at the hospital. **Mr. Houck** explained how this process would work.

MOTION: **Senator Souza** moved to send **RS 27596** to print. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

RS 27597 RELATING TO RECALL ELECTIONS to revise provisions for recall petitions and special recall elections.

Chad Houck, Chief Deputy Secretary of State, explained that **RS 27597** revises provisions within the election statute pertaining to the process for ordering a recall

election. The legislation is based on incidences that have occurred in the past, and one incident that is active now. These occurred when the officer that is being recalled is the one that is ordering the recall election. **Mr. Houck** explained how these issues would be resolved. This legislation will eliminate conflict of interest from standing in the way of a properly formatted recall petition to order a recall election.

Senator Vick asked if there was a specific event that inspired this legislation. **Mr. Houck** said there is an existing collective recall effort in a county in Idaho. This also takes responsibility off a hired employee and puts it back on an elected official.

MOTION: **Senator Vick** moved to send **RS 27597** to print. **Vice Chairman Harris** seconded the motion. The motion carried by **voice vote**.

RS 27617 **RELATING TO EXPLODING TARGETS** to prohibit exploding targets during a designated fire season.

Senator Stennett explained that there were no substantive changes made to this bill from the prior year. She listed supporters of the bill and said the instances of fires caused by these devices have increased. She told of one example that cost \$1.5 million in damages. The purpose of the legislation is to prohibit exploding targets during the designated fire season, which is from May 10 until October 20th. She explained what an exploding target was, where they could be purchased, and what they were made of. These types of fires have cost millions of dollars. **Senator Stennett** provided some examples of fires in Idaho and other information related to exploding targets.

MOTION: **Senator Souza** moved to send **RS 27617** to print. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Chairwoman Lodge passed the gavel to Vice Chairman Harris.

DOCKET NO. **OMNIBUS PENDING RULES IDAPA 38 - Department of Administration.**
38-0000-1900 **38.04.06, 311.02 - page 402**
38.04.07, 309.02 - page 407
38.04.08, 312.02 - page 413
38.04.09, 311.02 - page 422

Keith Reynolds, Deputy Director, Department of Administration (DOA), presented the omnibus pending rules. He explained that concerns surrounding the facilities rules, specifically items subject to search, prompted them to seek more information and they met with House and Senate members since the original committee hearings. These conversations led them to ask the Attorney General's Office for an opinion.

Brian Kane, Assistant Chief Deputy, Attorney General's Office, said an analysis of the Idaho Administrative Rule 38.04.06.311, concerning items subject to search, resulted in the opinion that these rules do not violate the Fourth Amendment. To enhance security, guards may inspect personal bags upon the owner's consent on Capitol Mall property.

In response to questions from Senator Hill and Senator Stennett, **Brian Kane** said the public has the ability to refuse checks from Capitol security and that action in response to a prohibited item is determined by the type of item.

Senator Souza asked if a police officer has the same level of security as a security guard on Capitol Mall premises. **Mr. Kane** explained that law enforcement officers have an entire body of law in which they operate. This is a rule specific to the Capitol Mall policy. Depending on the circumstances, the law enforcement officer may have a heightened duty.

Senator Hill said that he supported the docket but asked that they consider language in the future that would say, "the security officer may inspect bags with consent from the owner."

MOTION:

Chairwoman Lodge moved to approve **Docket No. 38-0000-1900**. **Senator Anthon** seconded the motion. The motion passed by **voice vote**.

PASSED THE GAVEL:

Vice Chairman Harris passed the gavel to Chairwoman Lodge.

S 1274

RELATING TO THE IDAHO ADMINISTRATIVE PROCEDURE ACT to establish an independent Office of Administrative Hearing.

Senator Burgoyne, District 16, said that **S 1274** creates an independent Office of Administrative Hearings (OAH) in the Department of Self-Governing Agencies. Agencies currently pay for their own administrative hearings from budgeted funds or from supplemental appropriations. Once in effect, this legislation will allow agencies to pay the office for the hearings it conducts. These costs are not expected to exceed what they are currently spending. He explained the intent is to eliminate bias in administrative hearing processes and that the Idaho Department of Water Resources (IDWR) is outside of the bill's scope. IDWR suggested changes by adding additional language. He asked that **S 1274** be sent to the 14th Order for possible amendment. He did not believe that the IDWR's amendments were substantive changes to the bill, except one facet: a clarification that they can continue to do contested hearings under the American Planning Association (APA). He stated that those hearings would not be handled by hearing officers in the independent office.

Brian Kane, Assistant Chief Deputy, Office of the Attorney General (AG), reviewed the AG's report. In response to Mr. Kane, **Senator Burgoyne** said when agencies are involved in administrative hearings and make rulings on their own decisions, hearing officers outside of those agencies may ensure less bias in decision making. An agency who appoints its own staff to judge the agency's actions on a contentious issue gives the perception of biased protocol. A lack of confidence in the system may ensue from plaintiffs.

DISCUSSION:

In response to a question from Senator Souza, **Senator Burgoyne** said the interim committee took testimony from chief administrative hearing officers from other states that had created their own independent offices. The experience was good enough that other agencies who had not been included with the independent hearing offices wanted to be included at some point. Those offices tended to attract the participation of other agencies. There is a clause in this legislation where Idaho agencies may opt to have their hearings conducted by the independent OAH.

Mr. Kane said the AG was not consulted on the legislation and shared his concern that it affects a unit within their office. He explained there is a difference between actual alleged bias and perceived bias. The primary issue their office has is over their Fair Hearing Unit (FHU), established in 2016. The FHU conducts all administrative appeal hearings for the DHW which spans 6 divisions and 40 programs. The unit provides the state with significant cost savings in excess of \$250,000 annually. They have a high functioning, efficient unit. They ask that this unit be exempted from application of this legislation. **Mr. Kane** said he is not in opposition conceptually, he is here to ask that the good work their office has undertaken be preserved. The AG is ready to assist in an orderly transition.

Senator Vick asked if the FHU could handle the proposed work of the OAH. **Mr. Kane** replied that they could take on this work and do it well, but out of respect for this effort, their office never felt it was appropriate to insert themselves into the conversation and make that claim.

Senator Anthon asked if there is a scenario where the AG would defend the State of Idaho against the claim of another and if a hearing officer under the AG's supervision would make a decision. **Mr. Kane** responded yes.

In response to questions from Senator Souza, **Mr. Kane** explained how the FHU came into being and how it operates. The FHU was prompted by requirements from the Centers for Medicare and Medicaid Services (CMS), a Federal Health and Human Services entity. The State of Idaho had used private contractors as hearing officers before federal law mandated they change. He said federal agents approved their model. **Mr. Kane** said the FHU would have to ensure elements pertaining to their federal requirements must be present within their procedures. He agreed with Senator Souza that the intent of this proceeding was to strike down perception bias and to allow for the public to receive a fair dealing and to breathe confidence into the acts of government.

Gary Spackman, Director of the Idaho Department of Water Resources (IDWR), responded to Senator Stennett and explained why IDWR should not be included and their need for use of the APA. If they were exempted, they would have no underlying statutory basis for their administrative hearings and they would not have other provisions of the Administrative Procedures Act (APA) that governed their processes. The IDWR is adamant they not be included but still have the opportunity to use the APA as a basis for their contested case hearings.

Senator Burgoyne said they are ready to accommodate the IDWR's suggestions in the 14th Order of Business. The IDWR and their board are unaffected by this legislation. He thinks expanding the FHU in the OAG would not be appropriate. He did agree that the office should be incorporated into the OAH. He said It defeats the purpose of this legislation for the AG to have the same hearing officer represent the agency and plaintiff. The agency will bring hearing officers from the FHU to use their expertise. The Attorney General is on the advisory committee that will help set up the office.

Senator Winder asked the Committee to keep the hearing open and bring it back as soon as possible, no later than February 14, 2020, for a chance to either create a new RS number or to amend **S 1274**.

MOTION: **Senator Winder** moved that **S 1274** be held in Committee until the Friday, February 14th meeting. **Senator Hill** seconded the motion. The motion carried by **voice vote**.

S 1281 **RELATING TO CONSTRUCTION OF STATUTES** to eliminate inactive provisions of law.

Colby Cameron, Regulatory Analyst, Division of Financial Management, explained the intent of **S 1281** was to clean up a statute that does not have the same function as the rest of the statutes.

MOTION: **Vice Chairman Harris** moved to send **S 1281** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

S 1282 **RELATING TO BOARD OF CEMETERIANS** to eliminate an inactive licensing board.

Mr. Cameron said in 1989, a statute was introduced to establish a Board of Cemeterians and that code created provisions for appointments. This board was never appointed, no license was ever provided, and the institutional knowledge has been lost. They were not able to determine why appointments were not made after it was placed in statute. These regulations are in code and are not functioning at this time.

MOTION: **Vice Chairman Harris** moved to send **S 1282** to the floor with a **do pass** recommendation. **Senator Souza** seconded the motion. The motion passed by **voice vote**.

MINUTES APPROVAL: **Senator Winder** moved to approve the Minutes of January 29, 2020. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 9:43 a.m.

Senator Lodge, Chair

Twyla Melton, Secretary

Bryce DeLay
Assistant to the Secretary

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Wednesday, February 12, 2020

SUBJECT	DESCRIPTION	PRESENTER
GUBERNATORIAL REAPPOINTMENT:	THE GUBERNATORIAL REAPPOINTMENT of William Craig Corbett to the Idaho Lottery Commission (telephone interview).	William Craig Corbett
<u>RS27468</u>	RELATING TO ALCOHOL to regulate all beer products regardless of alcohol content and make regulation more straightforward.	Senator Crabtree
<u>RS27347</u>	RELATING TO CODIFIER'S CORRECTIONS to make various codifier and technical corrections to Idaho Code.	Katharine Gerrity, Legislative Branch
<u>RS27685</u>	RELATING TO THE LEGISLATURE to establish some uniformity to the legislative session and process.	Senator Guthrie
<u>S 1306</u>	RELATING TO CITY ELECTIONS to provide that no city elections will be held under certain conditions.	Kelli D. Brassfield
<u>S 1283</u>	RELATING TO ADMINISTRATIVE RULES to provide a consistent method across all state agencies for a request of a waiver, variance, or amendment of an existing Idaho rule.	Senator Agenbroad
MINUTES APPROVAL:	Approval of the Minutes of January 22, 2020	Senator Anthon and Senator Harris

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge	Sen Anthon
Vice Chairman Harris	Sen Souza
Sen Hill	Sen Stennett
Sen Winder	Sen Mathias(Buckner-Webb)
Sen Vick	

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 12, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Winder, Vick, Anthon, Souza, and Buckner-Webb

ABSENT/ EXCUSED: Senators Hill and Stennett

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Vice Chairman Harris** called the Senate State Affairs Committee (Committee) to order at 8:01 a.m.

GUBERNATORIAL REAPPOINTMENT: **THE GUBERNATORIAL REAPPOINTMENT** of William Craig Corbett to the Idaho Lottery Commission (telephone interview).

William Craig Corbett, stated he has served on the Lottery Commission (LC) since 2012 and works on sales and budget forecasts. He served on the school board for many years, so education is very important to him and he is proud to continue helping by serving on the LC. **Mr. Corbett** attributes the success of the LC to the great people on the administrative staff. **Mr. Corbett** said last year they distributed \$60 million, and close to \$906 million since it began. He attributed the substantial growth to their new programs, games, management and staff, and said the multi-state games, due to increased participation, have become very lucrative.

Vice Chairman Harris announced voting would be at the next meeting on Friday, February 14, 2020.

RS 27468 **RELATING TO ALCOHOL** to regulate all beer products regardless of alcohol content and make regulation more straightforward.

Senator Crabtree, District 7, presented **RS 27468**, and said this legislation will change two things:

1. the standard of measurement for alcohol by weight will be changed to the industry standard of alcohol by volume;
2. over the course of three years, five percent of the revenue derived from the beer sales, that Idaho Grape and Wine Producer Association was receiving, will be returned to the General Fund instead.

MOTION: **Senator Anthon** moved to send **RS 27468** to print. **Senator Vick** seconded the motion. The motion carried by **voice vote**.

Vice Chairman Harris announced that **S 1283** would be heard next.

S 1283 **RELATING TO ADMINISTRATIVE RULES** to provide a consistent method across all state agencies for a request of a waiver, variance, or amendment of an existing Idaho rule.

Senator Agenbroad, District 13, presented **S 1283**, and said this legislation will provide for a standardized process for rule waivers. He said the "one size" rule does not fit all, and a strict application of uniformly applied rules can sometimes lead to unreasonable, unfair, and unintended results. He gave a couple of examples of agencies that do and don't have waivers in place, and the struggles and successes they experienced .

Senator Agenbroad explained that this legislation would not undermine any current rules and requests would be denied if the waiver conflicts with or violates Idaho law. Each applicant would need to demonstrate certain conditions to be considered:

- the application of the rule is unreasonable and would impose undue hardship on the petitioner;
- the waiver will afford substantially equal protection of health, safety, and welfare; or
- the waiver would test an innovative practice or model for the agency to consider a future change to the rule.

Senator Agenbroad said that rule waivers are not new to Idaho, and there are currently over 21 state agencies that use a rule waiver provision. This legislation will provide a standardized waiver process across all the 100 plus rule making entities.

MOTION: **Senator Winder** moved to send **S 1283** to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

RS 27347 **RELATING TO CODIFIER'S CORRECTIONS** to make various codifier and technical corrections to Idaho Code.

Katharine Gerrity, Legislative Services Office (LSO), presented **RS 27347**, which is LSO's annual codifier correction bill that includes various code reference corrections, and grammatical or punctuation changes that match LSO's standard writing style for legislation.

MOTION: **Senator Vick** moved to send **RS 27347** to print. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

RS 27685 **RELATING TO THE LEGISLATURE** to establish some uniformity to the legislative session and process.

Senator Guthrie, District 28, presented **RS 27685**, which identifies an end date for the legislative session on or before the last Friday in March, and provides for an additional five days for the purpose of acting on a possible gubernatorial veto.

MOTION: **Senator Athon** moved to send **RS 27685** to print. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

S 1306 **RELATING TO CITY ELECTIONS** to provide that no city elections will be held under certain conditions.

Kelli Brassfield from the Association of Counties presented **S 1306**, which relates to city elections. Currently cities are holding elections even if the vacant seat is uncontested. This would remove the requirement to hold an election if only one person files a declaration of candidacy or if there is only a write-in declaration for each office.

DISCUSSION:

Responding to questions, **Ms. Brassfield** said she was unable to provide cost breakdown on an uncontested election at this time. As an example, she said Twin Falls County's city elections in 2019 totaled \$80,000, but this was for all elections.

Senator Souza said that she had heard that the city election in Coeur d'Alene cost \$17,000, but this information was from a few years ago and not confirmed.

Chairwoman Lodge said it cost \$30,000 for the recall in Caldwell last November, 2019.

Ms. Brassfield yielded to **Justin Ruin**, from the Association of Idaho Cities, who explained to Senator Anthon how the two-year term and four-year term for city council members work in a city election and how this legislation affects it.

MOTION:

Senator Anthon moved to send **S 1306** to the floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

**MINUTES
APPROVAL:**

Senator Anthon moved to approve the Minutes of January 22, 2020. **Chairwoman Lodge** seconded the motion. The motion carried by **voice vote**.

ADJOURNED:

There being no further business at this time, **Vice Chairman Harris** adjourned the meeting at 8:33 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Denise B. McNeil
Assistant to the Assistant Majority
Leader

AMENDED AGENDA #2
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Friday, February 14, 2020

SUBJECT	DESCRIPTION	PRESENTER
VOTE ON GUBERNATORIAL REAPPOINTMENT:	VOTE ON THE GUBERNATORIAL REAPPOINTMENT of William Craig Corbett to the Idaho Lottery Commission.	
<u>H 357</u>	RELATING TO THE DEPARTMENT OF ADMINISTRATION to clarify that certain building projects shall comply with construction standards.	Representative Anderst
<u>H 350</u>	RELATING TO THE DEPARTMENT OF ADMINISTRATION to allow the management of after hours parking at the Capitol Mall.	Keith Reynolds, Director, Department of Administration
<u>S 1307</u>	RELATING TO THE STATE BUDGET to provide that motor vehicle sale receipts may be transferred to operating expenditures in certain instances.	Jordan Waters, Chief of Staff to the Lieutenant Governor
<u>RS27627</u>	RELATING TO STATE BUDGETS for state agency reports when receiving federal funds.	Vice Chairman Harris
<u>RS27710</u>	SENATE JOINT MEMORIAL for the Port of Lewiston and the Columbia-Snake River System.	Vice Chairman Harris
<u>S 1274</u>	RELATING TO THE IDAHO ADMINISTRATIVE PROCEDURE ACT- CONTINUED to establish an independent Office of Administrative Hearings	Senator Burgoyne
PAGE GRADUATION:	Graduation of Karina Smith who served as page for the 1st half of the 2nd Regular Session of the 65th Idaho Legislature.	Chairman Lodge

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge	Sen Anthon
Vice Chairman Harris	Sen Souza
Sen Hill	Sen Stennett
Sen Winder	Sen Mathias(Buckner-Webb)
Sen Vick	

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, February 14, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and Rohn (Buckner-Webb)

**ABSENT/
EXCUSED:** None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** called the Senate State Affairs Committee (Committee) to order at 8:00 a.m.

**VOTE ON
GUBERNATORIAL
REAPPOINTMENT:** **VOTE ON THE GUBERNATORIAL REAPPOINTMENT** of William Craig Corbett to the Idaho Lottery Commission.

MOTION: **Vice Chairman Harris** moved to send the Gubernatorial appointment of William Craig Corbett to the Idaho Lottery Commission to the floor with the recommendation that he be confirmed by the Senate. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

H 357 **RELATING TO THE DEPARTMENT OF ADMINISTRATION** to clarify that certain building projects shall comply with construction standards.
Representative Anderst, District 12, presented **H 357** and said this bill is from the Department of Administration (DOA) and deals with building standards. The DOA has been working with the Permanent Building Fund Advisory Council (PBFAC) to try to bring some consistency in the requests for space allocation and development. Many of the state agencies are transitioning and moving to new locations. The Space Allocation Standards have been adopted by PBFAC, and building projects managed by the Division of Public Works must comply with these adopted standards.

Senator Vick, the Senate member of PBFAC, agreed and said this is a big step and will be very helpful to the State and the Department of Administration.

MOTION: **Senator Vick** moved to send **H 357** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

H 350 **RELATING TO THE DEPARTMENT OF ADMINISTRATION (DOA)** to allow the management of after hours parking at the Capitol Mall.

Representative Anderst next presented **H 350** which deals with the management of surface parking around the Capitol. **H 350** amends Idaho Code § 67-5708, and will grant authority to the DOA to hire a contract manager for the rental of parking facilities in the Capitol Mall after hours

and on weekends. He said this legislation would align its rules to those of the private sector and they project a net annual revenue of \$200,000. People with the Capitol Mall parking (CMP) permit will still have access after hours and on the weekends. Representative Anderst yielded to **Keith Reynolds**, Director of the DOA, who answered questions from the Committee about the implementation of the program. He said the DOA is very optimistic about this program.

TESTIMONY:

Senator Stegner (1998 to 2011), Special Assistant to the President for Governmental Relations, University of Idaho, said they are in favor of this legislation as the law school students use the old Ada County Courthouse for parking. He said there were concerns about continued access to the lot after hours and on weekends, and he was happy to report that students can continue to use the visitor's parking after hours and weekends. In the future, they may even allow students to purchase a CMP permit.

MOTION:

Senator Anthon moved to send **H 350** to the floor with a **do pass** recommendation. **Vice Chairman Harris** seconded the motion. The motion carried by **voice vote**.

S 1307

RELATING TO THE STATE BUDGET to provide that motor vehicle sale receipts may be transferred to operating expenditures in certain instances.

Jordan Waters, Chief of Staff to Lieutenant Governor McGeachin, presented **S 1307**, regarding the receipts from the sale of motor vehicles. He said the Regional Government Efficiency Working Group was tasked with finding ways the government could be more efficient. It was determined that certain agencies could sell their fleet vehicles, and with a new pilot program, rent a car instead when needed. This new legislation would allow those agencies, with the approval of the Division of Financial Management, to transfer the money from the sale to operating expenditures to be used for the purpose of renting a car.

MOTION:

Vice Chairman Harris moved to send **S 1307** to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

RS 27627

RELATING TO STATE BUDGETS for state agency reports when receiving federal funds.

Vice Chairman Harris presented **RS 27627**, and said this legislation proposes to amend Idaho Code § 67-1917. He said state agencies will be required to include additional budget information in the annual reports to the Division of Financial Management, specifically the federal grants that require matching state funds. They must include a plan that addresses those services that may be affected in the event the federal grants are reduced.

MOTION:

Senator Hill moved to send **RS 27627** to print. **Senator Winder** seconded the motion.

DISCUSSION:

Senator Stennett agreed to support the motion, but stated she had questions and concerns regarding the grants and what might put the federal grants in jeopardy.

VOICE VOTE:

The motion carried by **voice vote**

RS 27710

SENATE JOINT MEMORIAL for the Port of Lewiston and the Columbia-Snake River System.

Vice Chairman Harris said **RS 27710** is a joint memorial opposing the removal and breaching of the dams and tributaries. It also emphasizes the importance of the Port of Lewiston and the Columbia-Snake River System to the economy of Idaho. He said Idaho produces nearly 10 percent of the nation's total wheat exports and if the barge system currently being used for transportation on the river was no longer available, costs for transportation and storage would skyrocket. **Vice Chairman Harris** said Idahoans not only rely on this river for farming and transportation, but also for power generation and recreation.

MOTION:

Senator Anthon moved to send **RS 27710** to print. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

S 1274

RELATING TO THE IDAHO ADMINISTRATIVE PROCEDURE ACT—CONTINUED to establish an Independent Office of Administrative Hearings.

Senator Burgoyne, District 16, presented **S 1274**, and said this legislation relates to the Idaho Administrative Procedure Act (APA) to establish an Independent Office of Administrative Hearings for contested case proceedings.

Senator Burgoyne stated he met with the Attorney General's Office (AG) and he outlined the issues and concerns they had with the bill. He said they agreed on a few of the recommendations, but had a policy disagreement regarding the Fair Hearings Unit. He said the Attorney General asked that **S 1274** be held in Committee or that the legislation be amended to exclude the Fair Hearings Unit.

Senator Burgoyne yielded to **Senator Rice**, District 10, who, based on his experience, spoke about the time-line and tasks in creating the office, and outlined the issues that would be faced. The Committee had several questions for both Senator Burgoyne and Senator Rice. After a lengthy discussion, it was determined that there were several issues that still needed to be resolved.

MOTION:

Senator Anthon moved that **S 1274** be held in Committee subject to the call of Chair. **Vice Chairman Harris** seconded the motion. The motion carried by **voice vote**.

PAGE GRADUATION:

Karina Smith, who served as page for the first half of the second Regular Session of the 65th Idaho Legislature, spoke of her experience and thanked the Committee for the opportunity to serve as their page.

ADJOURNED:

There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 10:25 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Denise B. McNeil
Assistant to the Assistant Majority
Leader

AGENDA
SENATE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room WW55
Monday, February 17, 2020

NOTE TIME CHANGE

SUBJECT	DESCRIPTION	PRESENTER
PAGE INTRODUCTION::	Introduction of Emily Blattner, page for the 2nd half of the session.	Chairman Lodge
GUBERNATORIAL APPOINTMENT:	THE GUBERNATORIAL APPOINTMENT of Nikeela Black-Abrams to the Idaho State Racing Commission (telephone interview).	Nikeela Black-Adams
<u>RS27531C1</u>	RELATING TO INDUSTRIAL HEMP to add a new chapter, 17, to Title 22, amends Title 37 including Schedule 1, and adds a new section to provide for the transportation of industrial hemp.	Senator Lee
<u>RS27716</u>	SENATE CONCURRENT RESOLUTION to appoint an interim committee regarding property taxes.	Senator Rice
<u>H 365</u>	RELATING TO THE LEGISLATURE to provide correct terminology and remove a provision.	Representative Monks
<u>H 326</u>	RELATING TO VETERANS to eliminate obsolete and unnecessary restrictions.	Marv Hagedorn, Division of Veterans Affairs
<u>S 1309</u>	RELATING TO ELECTIONS relating to emergency absentee ballots.	Chad Houck, Chief Deputy, Secretary of State
<u>S 1310</u>	RELATING TO RECALL ELECTIONS to revise provisions within the existing elections statutes.	Chad Houck, Chief Deputy, Secretary of State

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge	Sen Anthon
Vice Chairman Harris	Sen Souza
Sen Hill	Sen Stennett
Sen Winder	Sen Mathias(Buckner-Webb)
Sen Vick	

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, February 17, 2020

TIME: 8:30 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and Buckner-Webb

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** called the Senate State Affairs Committee (Committee) meeting to order at 9:00 a.m.

Chairwoman Lodge introduced President Pro-Tempore Hill's grandson, Alexander. She complimented the 4-H youth as a group.

PAGE INTRODUCTION: **Chairwoman Lodge** introduced Emily Blattner, page for the second half of the session. **Ms. Blattner**, Kuna High School, said she learned of the Page program in the 6th grade when she visited the Capitol, and wants to learn more about state government while serving as a page. **Ms. Blattner** stated that her goals are to earn a degree in agricultural communications and science, complete a law degree, intern in Washington D. C., and then become a lawyer or lobbyist.

GUBERNATORIAL APPOINTMENT: **THE GUBERNATORIAL APPOINTMENT** of Nikeela Black-Abrams to the Idaho State Racing Commission (Commission) by telephone interview.

Nikeela Black-Abrams explained she would like to be on the Commission because, having been a jockey prior to being paralyzed in an accident and currently breeding and running race horses, she would like to help save this industry in Idaho.

Senator Vick inquired what Ms. Black-Abrams' specific ideas are to accomplish this goal. **Ms. Black-Abrams** replied the issues lie with a lack of unification in how to fund horse racing. She would like to bring stakeholders together to reach their common goal.

Chairman Lodge, **Senator Stennett**, and **Ms. Black-Abrams** discussed Ms. Black-Abrams' recovery and her being able to ride again. **Senator Stennett** asked Ms. Black-Abrams if she did equine therapy. **Ms. Black-Abrams** stated she had not, but would be interested in that type of therapy.

Senator Anthon thanked Ms. Black-Abrams for her willingness to serve, and stated he felt she was uniquely qualified to serve on the Commission.

Chairman Lodge announced that voting on Ms. Black-Abrams' nomination would take place at the Committee meeting on Wednesday, February 19, 2020.

RS 27531C1 **RELATING TO INDUSTRIAL HEMP** to add a new chapter, 17, to Title 22, amends Title 37 including Schedule 1, and adds a new section to provide for the transportation of industrial hemp.

Senator Lee, District 9, informed the Committee that the federal farm bill was passed in 2018, but nothing has been done in Idaho regarding the transportation of industrial hemp across state lines. She noted that the Governor has issued an Executive Order to deal with our responsibility in this matter. **Senator Lee** stated that **RS 27531C1** would give clarification to help transporters and growers, and give specific direction to develop a state plan. **Senator Lee** explained the RS in detail including what it would accomplish.

MOTION: **Senator Winder** moved to send **RS 27531C1** to print. **Senator Stennett** seconded the motion.

DISCUSSION: **Senator Hill** thanked Senator Lee for her work. Referring to lines 11-14, he asked if a federal or state license was required. He inquired if a document agreeing to an inspection had to be signed when applying for a license. **Senator Lee** stated the language in lines 11-13 was set out in the Executive Order, and that each state can determine what the paperwork looks like. She explained that currently, it is difficult for any transporter to meet the requirements of the Executive Order, and that **RS 27531C1** would clarify the ambiguities.

VOICE VOTE: The motion to send **RS 27531C1** to print carried by **voice vote**.

RS 27716 **SENATE CONCURRENT RESOLUTION** to appoint an interim committee to study property taxes. **Senator Rice**, District 10, explained the resolution is for an interim committee to analyze the property tax situation throughout the state, considering the differences from one area to another.

MOTION: **Senator Vick** moved to send **RS 27716** to print. **Senator Hill** seconded the motion.

DISCUSSION: **Senator Stennett** asked what prompted this request and if it would be better to wait for this committee to work before passing legislation or to put a plan in place. **Senator Rice** replied the problem is broader than what has been proposed. The issue is more complicated and needs further analysis.

VOICE VOTE: The motion to send **RS 27716** to print carried by **voice vote**.

H 365 **RELATING TO THE LEGISLATURE** to provide correct terminology and remove a provision.

Representative Monks, District 22, explained that a State Department of Disaster Relief and Civil Relief existed several years ago, then the name was changed to the Bureau of Homeland Security (Bureau), not to be mixed up with the federal Department of Homeland Security (Department). Due to confusion between the Bureau and the Department, the name has now been changed to the Idaho Office of Emergency Management. **H 365** reflects that name change. The other purpose of the bill is to eliminate outdated and unused language.

Senator Stennett asked what happened to civil defense. **Representative Monks** replied that only the name was changed. The scope and functions remained the same.

MOTION: **Senator Souza** moved to send **H 365** to the floor with a **do pass** recommendation. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

H 326 **RELATING TO VETERANS** to eliminate obsolete and unnecessary restrictions.

Director Marv Hagedorn, Division of Veterans Affairs, stated **H 326** will amend a section of Idaho code by changing a service day requirement of "180" days to "90" days to ensure the definition of "veteran" is consistent throughout statute.

MOTION: **Senator Stennett** moved to send **H 326** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

S 1309 **RELATING TO ELECTIONS** relating to emergency absentee ballots.

Chad Houck, Chief Deputy, Office of the Secretary of State (SOS), explained that the 96-hour time frame to register for an absentee ballot eliminates some voters. **S 1309** allows for a process that will give the SOS authority to establish a voting precinct in a hospital in case a voter was in an emergency situation.

MOTION: **Senator Souza** moved to send **S 1309** to the floor with a **do pass** recommendation. **Senator Vick** seconded the motion. The motion carried by **voice vote**.

S 1310 **RELATING TO RECALL ELECTIONS** to revise provisions within the existing elections statutes.

Chad Houck, Chief Deputy, Office of the Secretary of State, stated that **S 1310** revises processes for ordering a recall election. He stated that existing statute requires four to five people to process any request to order a recall election. This bill will consolidate all recalls to be handled by the county clerk. The question arose as to who would order the recall. **Mr. Houck** explained that **S 1310** alleviates the potential for conflict of interest by identifying specific individuals who would have the responsibility to order the recall. Also, the bill carries an emergency clause.

MOTION: **Senator Stennett** moved to send **S 1310** to the floor with a **do pass** recommendation. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

ADJOURNMENT: There being nor further business at this time, **Chairwoman Lodge** adjourned the meeting at 9:40 a.m.

Senator Lodge, Chair

Twyla Melton, Secretary

Carol Cornwall, Assistant Secretary

AMENDED AGENDA #1
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Wednesday, February 19, 2020

SUBJECT	DESCRIPTION	PRESENTER
VOTE ON GUBERNATORIAL APPOINTMENT:	Vote on the Gubernatorial Appointment of Nikeela Black-Adams to the Idaho Racing Commission.	
<u>S 1335</u>	RELATING TO THE LEGISLATURE to establish a uniform session date.	Senator Guthrie
<u>RS27712</u>	RELATING TO CONTROLLED SUBSTANCES to strengthen state efforts to combat opioid misuse.	Senator Lee
<u>RS27753</u>	RELATING TO MOTOR VEHICLE REGISTRATION regarding special license plate programs.	Chairwoman Lodge
<u>RS27546C1</u>	RELATING TO BALLOT INITIATIVES in regard to fiscal impact statements.	Chairwoman Lodge
<u>H 379</u>	RELATING TO ELECTIONS to revise provisions regarding a change of political party affiliation prior to a presidential primary election.	Representative Ricks
<u>S 1334</u>	RELATING TO CODIFIER'S CORRECTIONS to make various codifier and technical corrections to Idaho Code.	Katharine Gerrity, Legislative Branch
<u>SCR 130</u>	STATING FINDINGS OF THE LEGISLATURE to honor Bill Roden by designating the lobbyist lounge in the Capitol as the Bill Roden Memorial Lounge.	Chairwoman Lodge
MINUTES APPROVAL:	Approval of the Minutes of January 31, 2020	Senator Hill and Senator Vick
	Approval of the Minutes of February 7, 2020	Senator Stennett and Senator Souza

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge	Sen Anthon
Vice Chairman Harris	Sen Souza
Sen Hill	Sen Stennett
Sen Winder	Sen Buckner-Webb
Sen Vick	

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 19, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and Buckner-Webb

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:02 a.m.

VOTE ON GUBERNATORIAL APPOINTMENT: **Vice Chairman Harris** moved to send the Gubernatorial appointment of Nikeela Black-Adams to the Idaho Racing Commission to the floor with recommendation that she be confirmed by the Senate. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

S 1335 **RELATING TO THE LEGISLATURE** to establish a uniform session date.

Senator Guthrie presented **S 1335** commenting that it establishes the end date for the session. He identified the following reasons for instituting **S 1335**:

- the most important task of the Legislature is to set the budget, which is completed in less time than it actually meets;
- setting the end date will save the state money;
- if more time is needed to finish the work, evening and weekend meetings could be utilized; and
- having a set end date would provide a more precise and structured session.

DISCUSSION: **Senator Stennett** asked what provisions would be in place if the Governor needed to call the Legislature back, or if there was an urgent issue needing to be finalized. **Senator Guthrie** replied that calling back the Legislature could be managed.

Senator Souza commented that coming back for a special session would allow the Legislature to focus on one issue. She asked if Senator Guthrie believed a hard stop would alleviate some of the high level negotiations that sometimes occur, extending the session. **Senator Guthrie** responded that he felt the hard stop would expedite the negotiations.

MOTION: **Senator Vick** moved to send **S 1335** to the floor with a **do pass** recommendation. **Vice Chairman Harris** seconded the motion.

DISCUSSION: A discussion was held regarding the following considerations gleaned from procedures of other states by members of the Committee:

- number and costs of extra sessions;
- inconvenience of extra sessions, especially for those who have jobs outside of the Legislature;
- late night sessions may be less productive if not limited in number;
- enforcement of transmittal dates;
- required task of the Legislature is to set the budget, so other bills could wait until the next session;
- lack of efficiency as each special session would involve only one issue;
- importance of having a part-time Legislature with members who have outside jobs; and
- possibility of limiting the number of bills that can be presented in one session.

ROLL CALL VOTE: **Chairwoman Lodge** called for a roll call vote. **Vice Chairman Harris** and **Senators Vick, Anthon, and Souza** voted aye. **Chairwoman Lodge** and **Senators Hill, Winder, Stennett, and Buckner-Webb** voted nay. The motion failed.

RS 27712 **RELATING TO CONTROLLED SUBSTANCES** to strengthen state efforts to combat opioid misuse.

Senator Lee explained that **RS 27712** strengthens the prescription drug monitoring program. **Senator Hill** reported the Committee has a unanimous consent request from the Health and Welfare Committee.

MOTION: **Senator Hill** moved to send **RS 27712** to print. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Chairwoman Lodge passed the gavel to Vice Chairman Harris.

RS 27753 **RELATING TO MOTOR VEHICLE REGISTRATION** regarding special license plate programs.

Chairwoman Lodge presented **RS 27753** noting that it would limit the number of special license plates. She explained that this bill states that no new special license plate or special license plate program shall be established for the benefit of any entity that is not the State of Idaho or an agency of the State of Idaho after July 1, 2020. She described the procedures that will be used to manage current special license plate programs, and shared a breakdown of the revenue involved in these programs (attachment 1).

MOTION: **Senator Anthon** moved to send **RS 27753** to print. **Senator Hill** seconded the motion. The motion carried by **voice vote**.

RS 27546C1 **RELATING TO BALLOT INITIATIVES** in regard to fiscal impact statements.

Chairwoman Lodge advised the Committee that under this legislation, the costs for implementation of the measure and the proposed funding source for those costs will be included with the petition. She explained that this procedure would go into effect July 1, 2020, and would not affect current initiatives.

MOTION: **Senator Souza** moved to send **RS 27546C1** to print. **Senator Vick** seconded the motion. **Senator Stennett** stated she agrees to print but has reservations. The motion carried by **voice vote**.

**PASSED THE
GAVEL:**

Vice Chairman Harris passed the gavel back to Chairwoman Lodge.

H 379

RELATING TO ELECTIONS to revise provisions regarding a change of political party affiliation prior to a presidential primary election.

Representative Doug Ricks, District 34, addressed the presidential primary, and described how the process worked prior to 2016. He explained the changes that occurred in 2016 and the effect of the 90-day requirement, stating that it caused considerable confusion. **Representative Ricks** advised the Committee that **H 379** would clarify the intent of the 2015 bill, S 1066.

DISCUSSION:

A discussion ensued regarding changing party affiliation, open and closed primary elections, the confusion that has occurred, and the involvement of the Secretary of State's Office. This year for the March 10 election, there will be no time set for changing party affiliation, but in the future the time restriction will be reinstated.

MOTION:

Senator Winder moved to send **H 379** to the floor with a **do pass** recommendation. **Senator Hill** seconded the motion.

DISCUSSION:

Senator Winder explained this is a simple way to clarify that the affiliation applies to the presidential primary and meets the intent to allow the parties to manage their own primaries. He added it does not give one party an advantage over another.

VOICE VOTE:

The motion to send **H 379** to the floor with a **do pass** recommendation carried by **voice vote**.

S 1334

RELATING TO CODIFIER'S CORRECTIONS to make various codifier and technical corrections to Idaho Code.

Katherine Gerrity, Legislative Services Offices (LSO) presented LSO's annual codifier correction bill, explaining that 40 sections were included this year. **Ms. Gerrity** identified revisions proposed such as code reference revisions, and technical corrections such as grammar and punctuation changes to match LSO's standard style. She advised there is no fiscal impact with the bill other than printing as the work is already being done by LSO staff. **Senator Winder** complimented Ms. Gerrity and LSO on this important work.

MOTION:

Senator Winder moved to send **S 1334** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

SCR 130

STATING FINDINGS OF THE LEGISLATURE to honor Bill Roden by designating the lobbyist lounge in the Capitol as the Bill Roden Memorial Lounge.

Representative Ilana Rubel, District 18, expressed her appreciation for Bill Roden and shared the procedure for bringing **SCR 130** before the Legislature. She referred to the resolution which lists his accomplishments and shared how naming the lobbyist lounge for him came about.

TESTIMONY:

Sarah Bettwieser expressed great appreciation and respect for Senator Roden (see attachment 2). **Jeremy Pisca, Hilo Hancock, Mike Brassey, and Chairwoman Lodge** shared their memories of Senator Roden, his caring attitude toward all people, his desire to help others, and his hard work.

MOTION:

Vice Chairman Harris moved to send **SCR 130** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

Chairwoman Lodge announced there would be a celebration for Senator Roden in the Governor's Office today at 10:00 a.m.

**MINUTES
APPROVAL:**

Senator Vick moved to approve the Minutes of January 31, 2020. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

Senator Stennett moved to approve the Minutes of February 7, 2020. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

ADJOURNED:

There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 9:20 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

Carol Cornwall
Assistant Secretary

SPECIAL PLATE PROGRAM REVENUE AND TRANSACTIONS FOR 2019

CHadsmunt 1
RS 27753
2-19-20

Program	Start Yr	Plates	New	Renewals	Transfer	Highway	Revenue	Org Revenue - New	Org Revenue - Renew	Total to Org	Agency	split	split
Agriculture	2000	258		1600	45	\$ 19,030.00	\$ 6,450.00	\$ 24,675.00	\$ 31,125.00	G	X		
Appaloosa	2003	302		1576	62	\$ 19,400.00	\$ 7,550.00	\$ 24,570.00	\$ 32,120.00	501c3	X		
Aviation	2012	209		850	44	\$ 14,339.00	\$ 4,598.00	\$ 10,728.00	\$ 15,326.00	501c3	X		X
Capitol Commission	2002	969		3463	169	\$ 46,010.00	\$ 24,225.00	\$ 54,480.00	\$ 78,705.00	G	X		
Collegiate	1998	781		5745	243	\$ 67,690.00	\$ 19,525.00	\$ 89,820.00	\$ 109,345.00	G + <i>Handwritten</i>	X		
Corvette	2003	132		841	12	\$ 9,850.00	\$ 3,300.00	\$ 12,795.00	\$ 16,095.00	501c3	X		
Firefighter	2001	358		2309	122	\$ 27,890.00	\$ 8,950.00	\$ 36,465.00	\$ 45,415.00	501c3	X		
Friends of the NRA	2015	288		410	26	\$ 9,412.00	\$ 6,336.00	\$ 5,232.00	\$ 11,568.00	501c3			X
Idaho Rangeland	2009	458		1838	70	\$ 23,660.00	\$ 11,450.00	\$ 28,620.00	\$ 40,070.00	G	X		
Lewis and Clark	2001	118		900	31	\$ 10,490.00	\$ 2,950.00	\$ 13,965.00	\$ 16,915.00	G	X		
Mountain Biking	2011	442		1518	70	\$ 26,390.00	\$ 9,724.00	\$ 19,056.00	\$ 28,780.00	G			X
Peace Officer Memorial	2003	411		1924	109	\$ 24,440.00	\$ 10,275.00	\$ 30,495.00	\$ 40,770.00	G	X		
Pet Friendly	2019	860		12		\$ 11,336.00	\$ 18,920.00	\$ 144.00	\$ 19,064.00	501c3			X
Potato Plate	2001	365		1399	58	\$ 18,220.00	\$ 9,125.00	\$ 21,855.00	\$ 30,980.00	G	X		
Rocky Mountain Elk	2015	200		355	14	\$ 7,397.00	\$ 4,400.00	\$ 4,428.00	\$ 8,828.00	501c3			X
Sawtooth "Goat Plate"	2000	520		2240	79	\$ 28,390.00	\$ 13,000.00	\$ 34,785.00	\$ 47,785.00	G	X		
Selway-Bitterroot	2011	419		1014	31	\$ 19,032.00	\$ 9,218.00	\$ 12,540.00	\$ 21,758.00	501c3			X
Snowmobile	1999	147		809	51	\$ 10,070.00	\$ 3,675.00	\$ 12,900.00	\$ 16,575.00	G	X		
Snowskier	1999	592		3211	137	\$ 39,400.00	\$ 14,800.00	\$ 50,220.00	\$ 65,020.00	G	X		
Support Our Troops	2008	491		1382	70	\$ 19,430.00	\$ 12,275.00	\$ 21,780.00	\$ 34,055.00	501c3	X		
Timber	1997	329		2134	75	\$ 25,380.00	\$ 8,225.00	\$ 33,135.00	\$ 41,360.00	G	X		
Whitewater Rafting	2004	177		928	30	\$ 11,350.00	\$ 4,425.00	\$ 14,370.00	\$ 18,795.00	G	X		
Wildlife- Total to Program	1993	7958		42055	1514	\$515,270.00	\$ 198,950.00	\$ 653,535.00	\$ 852,485.00	G	X		
Youth	2000	61		1122	45	\$ 12,280.00	\$ 1,525.00	\$ 17,505.00	\$ 19,030.00	G	X		
4H	2015	40		188	12	\$ 3,120.00	\$ 880.00	\$ 2,400.00	\$ 3,280.00	G			X

Chairman Lodge, members of the committee, for the record my name is Sarah Bettwieser and I'm here today representing myself as someone who had the distinct fortune of working for Bill for 16 years. I strongly urge your support of Senate Concurrent Resolution 130. Few people have had more impact on me than Bill. I think a lot of us could say the same thing. As you all know, Bill passed in July. His passing has been felt in this building. Losing Bill meant losing a lot of unrivaled and irreplaceable institutional knowledge, meant losing a friend, a confidant and a mentor.

Bill is the reason I decided to become a lobbyist. After hiring me as a junior in high school and

encouraging and facilitating my attendance at Boise State, during my senior year of college he allowed me to intern under him during a legislative session. I watched him time and time again navigate what seemed like such an intense, sometimes impossible process- always doing it with grace, candor, authority and unmatched knowledge.

When I was approached to represent a client outside of the firm he insisted I setup my own LLC and fondly offered me an old business name of his – Cygnet which means young swan- and he smiled and told me how fitting it was. That'll always be one of my favorite memories.

The 16 years I spent working for Bill were easily the most transformative of my life. As I traversed all those years encompassed - high school graduation, college graduation, getting married, becoming a parent to my niece and my nephew, welcoming a son - and all the life in between – there was Bill, this bright guiding light – cheering me on. He also allowed my dog Scout to be the office mascot and for that- I am forever grateful. Bill was so much more than a boss. He was family and I miss him dearly.

The last time I saw Bill I took my son Roland to spend the afternoon with him. Bill remarked how happy he was to see things work out for me. Those words so simply stated have stuck with

me. True to Bill, I'm not sure his humility allowed him to recognize that he is in large part the reason that things have worked out. I'm so grateful that Roland and I had that day with him.

When I think about walking into the lobbyist room and seeing his name- it means walking into and out of that room remembering the principles he instilled in me and in so many others.

Bill taught us to remember that friendships outlast issues. That integrity should be at the forefront of all of our actions. He taught us to do the right thing, even when difficult- because it's the right thing to do – and in that vein he encouraged us to advocate for those who struggle to advocate for themselves. He made us hold

ourselves accountable and reminded us to bring our best and kindest selves to this building and to this process each and every day.

I was incredibly fortunate to have learned from such a wonderfully remarkable man. I wish everyone could have had the same fortune because given the opportunity he made you better.

Bill gave me the most powerful gift you can give anyone- he gave me a chance and that has led me to a career I love and a life that is much more meaningful than I ever could have imagined. I hope I've made him proud.

I share my experience as one example of his impact. Bill's fingerprints are woven into the statutes that govern this state and his lessons guide the many he mentored. This resolution allows us to keep his legacy alive in this building. I could go on forever about what a good human he was, but the bottom line is that I can't think of anyone more deserving of this honor than the aptly nicknamed "Dean of Lobbying".

Thank you for allowing me the opportunity to be here with you today to honor my dear friend. I again urge your support for Senate Concurrent Resolution 130 and I'll stand for any questions.

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Friday, February 21, 2020

SUBJECT	DESCRIPTION	PRESENTER
<u>HCR 35</u>	STATING THE FINDINGS OF THE LEGISLATURE	Representative Nilsson Troy
<u>RS27744</u>	RELATING TO THE IDAHO MEDAL OF HONOR to streamline the process to recognize Idaho's first responders.	Senator Cheatham
<u>RS27719</u>	UNANIMOUS CONSENT REQUEST from the Health & Welfare Committee regarding hospitals certified by Centers for Medical Services.	Vice Chairman Harris
<u>H 327</u>	RELATING TO VETERANS to amend a title.	Representative Goesling
<u>HCR 31</u>	STATING FINDINGS OF THE LEGISLATURE to recognize nuclear energy as a carbon free contributor to the nations energy.	Representative Ehardt
<u>S 1267</u>	RELATING TO DAYLIGHT SAVING TIME to allow certain areas of the state to remain on Daylight Saving Time..	Senator Vick

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge	Sen Anthon
Vice Chairman Harris	Sen Souza
Sen Hill	Sen Stennett
Sen Winder	Sen Buckner-Webb
Sen Vick	

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, February 21, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and Buckner-Webb

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:00 a.m.

HCR 35 STATING THE FINDINGS OF THE LEGISLATURE Idaho Women's Suffrage Day. **Representative Nilsson Troy**, District 5, presented **HCR 35**, a House Concurrent Resolution recognizing August 26, 2020 as Idaho Women's Suffrage Day. She said that this is a day celebrating the history of Idaho's role in the women's suffrage movement and commemorating the anniversary of the ratification of the Nineteenth Amendment of the U.S. Constitution.

MOTION: **Senator Buckner-Webb** moved to send **HCR 35** to the floor with a **do pass** recommendation. **Senator Hill** seconded the motion. The motion carried by **voice vote**.

RS 27744 RELATING TO THE IDAHO MEDAL OF HONOR to streamline the process to recognize Idaho's first responders. **Senator Cheatham**, District 3, presented **RS 27744** which establishes the Idaho Law Enforcement, Firefighting, and Emergency Medical Service (EMS) Providers Medal of Honor Commission (Commission). This legislation is to recognize those officers, firefighters and EMS providers who were killed or seriously injured in the line of duty. It will streamline the process for selecting the recipients to be awarded the Idaho Medal of Honor. The bill amends Idaho Code §§ 67-8801 to 67-8806, and adds §§ 67-8807 and 67-8808.

MOTION: **Senator Vick** moved to send **RS 27744** to print. **Senator Anthon** seconded the motion.

DISCUSSION: **Senator Stennett**, pointing to page 2, line 5, asked if "latter of expiration" should read "letter of expiration." **Senator Cheatham** said it might be a misspelling, and yielded to Representative Jake Ellis, District 15, for clarification. **Representative Ellis** said this language was brought by the Commission and approved by consensus. He said the intention was that "latter" means "whichever date" of expiration. **Senator Winder** reread the sentence and said that it was correct as written.

VOICE VOTE: The motion to send **RS 27744** to print carried by **voice vote**.

RS 27719 UNANIMOUS CONSENT REQUEST from the Health and Welfare Committee regarding hospitals certified by Centers for Medical Services.

MOTION: **Senator Hill** moved to send **RS 27719** to print. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

H 327 **RELATING TO VETERANS** to amend a title.

Representative Bill Goesling, District 5, presented **H 327** which amends the current heading of Title 65, Idaho Code to reflect a broader range of individuals. This changes the current heading from "Soldiers and Sailors" to "Service Members, Veterans, Spouses, and Dependents." He said this legislation only changes the heading, there is no financial impact on the General Fund or any other State or local funds or expenditures.

Senator Hill asked if there are provisions in Title 65, Idaho Code, that currently apply to spouses. **Vice Chairman Harris** responded that there are provisions.

MOTION: **Senator Stennett** moved to send **H 327** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

S 1267 **RELATING TO DAYLIGHT SAVING TIME** to allow certain areas of the state to remain on Daylight Saving Time.

Senator Vick presented **S 1267** and said this bill is to change those political subdivisions that are in the Pacific time zone in Idaho to match the time in the State of Washington. He said this legislation may seem familiar because he sponsored a resolution that encouraged his area to make this change and he encouraged Washington to make the change to daylight saving time (DST) year-round.

Senator Vick said he knew Washington was considering this change, so he began working with legislators in both Washington and Oregon on this issue. In 2019, both Washington and Oregon legislatures passed bills to move their states to DST year-round. Washington's bill is contingent on Oregon, and Oregon's bill is contingent on Washington and California. He said in the spirit of cooperation, **S 1267** is contingent on Washington.

Senator Vick said with the number of commuters that travel back and forth daily between Spokane, Washington, and Kootenai County, Idaho, if Washington moves to DST, it would be very difficult to be in different time zones and conduct business. He emphasized that it was imperative that Idaho follow suit. **Senator Vick** said he is looking forward to discussing this issue with Congressman Fulcher because this change will only happen if Congress approves it. Right now, a state can move to standard time on its own, but requires the permission of Congress to move to DST.

DISCUSSION: Responding to Senator Winder's question, **Senator Vick** clarified how the time change would affect Northern Idaho and the rest of the state. He said if northern Idaho went on Pacific DST year-round, there would be a one-hour difference when the rest of Idaho was on DST. During the rest of the year they would all be on the same time.

MOTION: **Senator Hill** moved to send **S 1267** to the floor with a **do pass** recommendation. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

HCR 31 **STATING FINDINGS OF THE LEGISLATURE** to recognize nuclear energy as a carbon free contributor to the nation's energy.

Representative Ehardt presented **HCR 31**, a House Concurrent Resolution to recognize nuclear energy as a carbon free contributor to the nation's energy. She said the Idaho National Lab (INL) is in her backyard in Idaho Falls. This resolution is a reminder of the importance of the INL, not just to Idaho Falls, but to the entire state. **Representative Ehardt** shared stories of what the lab meant to her as a child, and the effect it had on others in the area. In 1955, the town of Arco, Idaho, was the first town to be entirely powered by nuclear power operated by the INL. She

said the expansion of the INL and the research in new technology (small modular reactors) will be a game changer for everyone.

DISCUSSION: **Senator Harris** asked if "homeland seniority" in the statement of purpose should read "homeland security." **Representative Ehardt** acknowledged it was a typo and asked for instructions to get it corrected. **Chairwoman Lodge** said they will have it amended.

Senator Anthon stated this is a very important piece of legislation, and the growth of the INL will have an impact on the Idaho Falls and Pocatello corridor. He said Idaho should start to prepare for this.

Senator Stennett said she will vote for this, stating her appreciation for the INL and the importance of the research and revenue to the state and to the country. She conceded that it was "carbon-free" energy, but said she will not concede it is "clean" because of the ongoing issue of nuclear waste and its impact on the aquifer. She stated she has reservations because of the by-products of non-clean energy.

MOTION: **Senator Stennett** moved to send **HCR 31** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:33 a.m.

Senator Lodge, Chair

Twyla Melton, Secretary

Denise B. McNeil
Assistant to the Assistant Majority
Leader

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Monday, February 24, 2020

SUBJECT	DESCRIPTION	PRESENTER
<u>RS27748</u>	STATING FINDINGS OF THE LEGISLATURE to support Governor Brad Little and the Idaho Department of Correction in regards to a certain medical condition.	Senator Bayer
<u>RS27764</u>	A JOINT RESOLUTION to amend the Idaho State Constitution relating to warrantless arrests.	Senator Burgoyne
<u>S 1308</u>	RELATING TO TOBACCO PRODUCTS AND ELECTRONIC CIGARETTES to bring Idaho Statute into compliance with federal regulation.	Ross Edmunds, Administrator, Division of Behavioral Health
<u>S 1333</u>	RELATING TO ALCOHOL to make regulation of beer more straightforward.	Senator Crabtree
<u>S 1344</u>	RELATING TO STATE BUDGETS to revise requirements for reports by state agencies.	Vice Chairman Harris
<u>S 1350</u>	RELATING TO BALLOT INITIATIVES to increase the information available to voters about statewide citizen initiatives.	Chairwoman Lodge

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Harris

Sen Hill

Sen Winder

Sen Vick

Sen Anthon

Sen Souza

Sen Stennett

Sen Buckner-Webb

COMMITTEE SECRETARY

Twyla Melton

Room: WW42

Phone: 332-1326

Email: sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, February 24, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and Buckner-Webb

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:03 a.m.

Chairwoman Lodge announced that **S 1333** would be pulled from the agenda at the request of the sponsor.

RS 27748 **STATING FINDINGS OF THE LEGISLATURE** to support Governor Brad Little and the Idaho Department of Correction in regards to a certain medical condition.

Senator Bayer, District 21, presented **RS 27748**, a Concurrent Resolution supporting Governor Brad Little and the Idaho Department of Corrections in their opposition to the State of Idaho providing reassignment surgery to Andre Edmo. She said the Governor objected to the United States Court of Appeals for the Ninth Circuit decision in this case and have declined to reverse its decision. She also said the Ninth Circuit decision is contrary to more than four decades of Supreme Court precedence. **Senator Bayer** quoted Governor Little's news release from February 11, 2020 where his stance was to remain committed to appealing this case to the U.S. Supreme Court and to ensuring that Idaho taxpayers do not pay for a procedure that is not medically necessary.

MOTION: **Vice Chairman Harris** moved to send **RS 27748** to print. **Senator Anthon** seconded the motion. The motion carried by **voice vote**. **Senator Stennett** and **Senator Buckner-Webb** requested they be recorded as voting nay.

RS 27764 **A JOINT RESOLUTION** to amend the Idaho State Constitution relating to warrantless arrests.

Senator Burgoyne, District 16, presented **RS 27764**, and said this is a reprise of **SJR 103**. This resolution reflects the recommended amendments for warrantless misdemeanor arrests. He said this is new because resolutions cannot be amended. He spoke about **SJR 103** and said that last June, in the case of State v. Clarke, the Idaho Supreme Court ruled that warrantless misdemeanor arrests are unconstitutional unless the alleged crime is witnessed by an officer. He said the proposed amendment would restore a long-standing practice by allowing warrantless misdemeanor arrests based upon probable cause when an alleged offense is committed outside the presence of an officer. **Senator Burgoyne** pointed out the specific changes and explained why those changes were made as he referred to a variety of sections and statutes to further clarify (see Attachment 1).

MOTION: **Senator Winder** moved to send **RS 27764** to print. **Senator Souza** seconded the motion.

DISCUSSION

Senator Vick referred to the last sentence added in **RS 27764** and asked if law enforcement officers were able to arrest for any misdemeanor or does this legislation limit their ability to arrest.

Senator Burgoyne said the attorneys that advised him said this language states the Legislature has the authority to regulate the power the law enforcement officers have regarding these arrests.

VOICE VOTE:

The motion to send **RS 27764** to print carried by **voice vote**.

S 1308

RELATING TO TOBACCO PRODUCTS AND ELECTRONIC CIGARETTES to bring Idaho Statute into compliance with federal regulation.

Ross Edmonds, Administrator, Division of Behavioral Health (Division), Idaho Department of Health and Welfare (IDHW), yielded his time to his colleague, Alicia Handy, to present **S 1308**. **Ms. Handy** said she is the program specialist at the Division and manages the Idaho Tobacco Project. In December of 2019, the federal minimum legal sales age for tobacco products was raised to 21. She said the Division has proposed amendments to the Prevention of Minors Access to Tobacco Act to bring Idaho's minimum age for sale of tobacco products and electronic cigarettes into compliance with federal regulations.

In order for the IDHW to receive the full allocation of the Substance Abuse Prevention and Treatment Block Grant, **Ms. Handy** said they must:

1. Conduct random unannounced inspections to ensure retailers abide by the minimum legal age of sale for tobacco products which are carried out by the Idaho Tobacco Project.
2. Replace Idaho's existing statute and change the legal sales age of 18 years to 21 years of age as the minimum legal age.
3. Align the state law to ensure compliance with the federal law which should resolve the confusion among the retailers.
4. Add the term "young adult" to capture those persons between the ages of 18 and 20 years old who are old enough to sell these products but not old enough to purchase.

Ms. Handy said the Division is aware of other changes being proposed to the House Health and Welfare Committee for this chapter of rule. The changes being proposed are specifically related to the federal increase in minimum age for sale of tobacco products and electronic cigarettes and have other implications for compliance. She stated this legislation is intended to be cost-neutral, there is no anticipated fiscal impact to the General Fund or any other funds.

Senator Anthon asked how much Idaho would lose if they lost the Substance Abuse Prevention and Treatment Block Grant. **Ms. Handy** responded that the state could lose up to 10 percent of the total block allocation of approximately \$8.5 million, or up to \$850,000.

MOTION:

Senator Stennett moved to send **S 1308** to the floor with a **do pass** recommendation. **Senator Hill** seconded the motion.

DISCUSSION:

Senator Anthon said he will be voting against the motion. He agreed that Idaho needs to tighten up on the sale of electronic cigarettes and access to youth, and they need to deal with some of the tax issues that have been lingering. He stated his position that if a person could buy a car, get married, have children, join the military, and fight for this country, they should be able to buy a cigarette.

**ROLL CALL
VOTE:**

Chairwoman Lodge called for a roll call vote. **Chairwoman Lodge** and **Senators Hill, Winder, Stennett,** and **Buckner-Webb** voted aye. **Vice Chairman Harris** and **Senators Vick, Anthon,** and **Souza** voted nay. The motion carried.

DISCUSSION:

Senator Winder said he has struggled with this age issue much like his colleagues on this Committee. He shared a story about his sister. He said consistency in the law is a step in the right direction.

Chairwoman Lodge shared her experiences with her friends and family. She said if this legislation helps to hold off smoking in younger people, she is all for it.

S 1344

RELATING TO STATE BUDGETS to revise requirements for reports by state agencies.

Vice Chairman Harris presented **S 1344** and said this bill is to amend Idaho Code § 67-1917. He explained in detail how agencies can request additional funds to match federal grants. He stated what changes will be required, and said state agencies need to report when federal funds are set to expire and include details on state matching requirements. Agencies are required to include in their budget submissions a plan to reduce or eliminate any service provided through federal grants when federal funding is reduced by 50 percent or more from a previous year's funding.

Vice Chairman Harris said this is to add transparency to the budget process. Jared Tatro, Legislative Services Office, Budget & Policy Analysis Division, was present to answer any technical questions.

MOTION:

Senator Souza moved to send **S 1344** to the floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

**PASSED THE
GAVEL:**

Chairwoman Lodge passed the gavel to Vice Chairman Harris.

S 1350

RELATING TO BALLOT INITIATIVES to increase the information available to voters about statewide citizen initiatives.

Chairwoman Lodge presented **S 1350** and said it proposes to provide information to voters about statewide citizen initiatives by adding a fiscal impact statement to all ballot initiatives that includes a non-binding funding source. She yielded to **Representative Wendy Horman**, District 12, who detailed the initiative process with a funding source in the flowchart she provided (see Attachment 2). She further explained how a fiscal impact statement is prepared and provided an article from the National Conference of State Legislatures (NCSL) (see Attachment 3).

DISCUSSION:

The Committee had multiple questions that touched on the following:

- how other states deal with gathering fiscal statements during the initiative process,
- how to clarify the "non-binding" funding source,
- what is the Legislature's part in this process,
- what happens if the Department of Financial Management (DFM) or the Secretary of State (SOS) do not agree with the initiative,
- how does location affect the initiative process in terms of access to resources, especially to those outside the Treasure Valley, and
- how to clarify the new and amended changes to **S 1350**.

Representative Horman referred to the handout from the NCSL. She explained their own process and why they chose to use/mirror the approach taken by the State of Washington. They decided on the "non-binding" funding source because of extenuating circumstances, and the difficulty in budgeting and trying to capture funds in order to do no harm to other agencies trying to make this work for the initiative. She said it was also important that the Legislature have the flexibility to consider the funding source but not be bound by it. **Representative Horman** said that if the DFM or the SOS do not agree on the initiative, the petitioner is free to start over and could propose something different. She said you do not need to be local to complete the initiative process; it can be done remotely. She discussed the sections related to the amendments.

- MOTION:** **Senator Souza** moved to send **S 1350** to the floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion.
- DISCUSSION:** **Senator Winder** commented on the bill and said that it spells out the process; it is very fair, doesn't require undue obstacles or interference, and the petitioner will get all the help they need. He said it is very clear and helpful.
- VOICE VOTE:** The motion to send **S 1350** carried by **voice vote**. **Senator Stennett** requested she be recorded as voting nay.
- ADJOURNED:** There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 9:00 a.m.

Senator Lodge, Chair

Twyla Melton, Secretary

Denise B. McNeil
Assistant to the Assistant Majority
Leader

Attachment 1
RS 27764
2-24-2020
Senator Burgess

**IDAHO STATUTES
AUTHORIZING WARRANTLESS MISDEMEANOR ARRESTS**

- 18-901 – Assault (*see* Idaho Code Section 19-603)
- 18-903 – Battery (*see* Idaho Code Section 19-603)
- 18-918 – Domestic violence (*see* Idaho Code Section 19-603)
- 18-920 – Violation of a no contact order (*see* Idaho Code Section 19-603)
- 18-3302I – Threatening violence upon school grounds (*see* Idaho Code Section 19-603)
- 18-905 – First-degree stalking (*see* Idaho Code Section 19-603)
- 18-7906 – Second-degree stalking
- 18-7907 – Violation of a protection order
- 39-6312 – Violation of a protection order (*see* Idaho Code Section 19-603)
- 49-1405 – Arrests for serious driving offenses
- 49-1407 – Authority to take a person before a magistrate
- 49-1408 – Arrest of a nonresident of Idaho at the scene of a traffic accident



Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 19
CRIMINAL PROCEDURE
CHAPTER 6

ARREST, BY WHOM AND HOW MADE

19-603. WHEN PEACE OFFICER MAY ARREST. A peace officer may make an arrest in obedience to a warrant delivered to him, or may, without a warrant, arrest a person:

1. For a public offense committed or attempted in his presence.

2. When a person arrested has committed a felony, although not in his presence.

3. When a felony has in fact been committed and he has reasonable cause for believing the person arrested to have committed it.

4. On a charge made, upon a reasonable cause, of the commission of a felony by the party arrested.

5. At night, when there is reasonable cause to believe that he has committed a felony.

6. When upon immediate response to a report of a commission of a crime there is probable cause to believe that the person has committed a violation of section 18-901 (assault), 18-903 (battery), 18-918 (domestic violence), 18-7905 (first-degree stalking), 18-7906 (second-degree stalking), 39-6312 (violation of a protection order), 18-920 (violation of a no contact order), or 18-3302I (threatening violence upon school grounds – firearms and other deadly or dangerous weapons), Idaho Code.

7. When there is reasonable cause to believe, based upon physical evidence observed by the officer or statements made in the presence of the officer upon immediate response to a report of a commission of a crime aboard an aircraft, that the person arrested has committed such a crime.

History:

[(19-603) Cr. Prac. 1864, secs. 131, 133, p. 229; R.S., R.C., & C.L., sec. 7540; C.S., sec. 8726; I.C.A., sec. 19-603; am. 1979, ch. 307, sec. 1, p. 832; am. 1988, ch. 271, sec. 1, p. 902; am. 1994, ch. 318, sec. 1, p. 1020; am. 1997, ch. 89, sec. 1, p. 214; am. 1997, ch. 314, sec. 4, p. 930; am. 2004, ch. 337, sec. 5, p. 1010; am. 2019, ch. 207, sec. 1, p. 633.]

How current is this law?

Search the Idaho Statutes and Constitution



Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 18

CRIMES AND PUNISHMENTS

CHAPTER 33

FIREARMS, EXPLOSIVES AND OTHER DEADLY WEAPONS

18-3302I. THREATENING VIOLENCE UPON SCHOOL GROUNDS – FIREARMS AND OTHER DEADLY OR DANGEROUS WEAPONS.

(1) (a) Any person, including a student, who willfully threatens by word, electronic means or act to use a firearm or other deadly or dangerous weapon to do violence to any person on school grounds or to disrupt the normal operations of an educational institution by making a threat of violence is guilty of a misdemeanor.

(b) Any person, including a student, who knowingly has in his possession a firearm or other deadly or dangerous weapon, or who makes, alters or repairs any firearm or other deadly or dangerous weapon, in the furtherance of carrying out a threat made by word, electronic means or act to do violence to any person on school grounds or to disrupt the normal operations of an educational institution by making a threat of violence is guilty of a felony.

(2) Definitions. As used in this section:

(a) "Deadly or dangerous weapon" means a weapon, device, instrument, material or substance that is used for, or is readily capable of, causing death or serious bodily injury;

(b) "On school grounds" means in or on property owned or operated by a school district, public charter school or private school.

History:

[18-3302I, added 2006, ch. 303, sec. 1, p. 936; am. 2015, ch. 303, sec. 3, p. 1194; am. 2018, ch. 240, sec. 1, p. 562.]

How current is this law?

Search the Idaho Statutes and Constitution

Initiative Sponsor files
petition plus 20 signatures
and proposed funding
source with Secretary of
State's office.

Secretary of State transmits petition
and proposed funding source to:

1. Attorney General for Certificate of
Review
2. Division of Financial Management
for Fiscal Impact Statement

Secretary of State transmits Certificate
of Review, ballot titles and fiscal impact
statements to Sponsor.

Cert of Review, ballot titles, fiscal impact
statements

1. Initiative

Certificate of Review;
Ballot titles

2. Initiative

Fiscal Impact Statement

Attorney General prepares Certificate of Review
within 20 business days of receiving initiative from
SoS, sends to SoS and Sponsor. If Sponsor goes
forward, Attorney General prepares ballot titles
within 10 business days from notification.

Division of Financial Management prepares
Fiscal Impact Statement and Summary within 20
business days of receiving initiative from SoS.

Once Sponsor has Certificate of
Review, ballot titles and fiscal impact
statement and summary, can begin
sending out signature gatherers.

Signature
gatherers go to
work with copy of
initiative, ballot
title, proposed
funding source
and fiscal impact.

Initiative Process with Funding Source and Fiscal Impact Statement

Attachment 2
51350
2-24-2020
Sp Wendy Hornum



Attachment 3
S 1350
2-24-2020
Rep. Wendy Horman

Preparation of fiscal analysis

Fiscal impact statements are an important component of voter education on initiative proposals. Voters often do not have the budgetary perspective necessary to make an informed decision about an initiative. Often, they enact a measure and it is left to the legislature to determine where the money will come from, which can mean redirecting funds from other programs.

It is currently the law in 13 states that, if a proposed initiative will have a monetary effect on the state's budget, a fiscal impact statement must be drafted. A legislative fiscal agency generally writes it, and it appears on the petition, in the voter info pamphlet, and/or on the ballot.

One may argue that, even if voters have fiscal information, it is meaningless unless the public knows how big the budget is. Simply attaching a dollar amount to a measure may not provide enough information. To make a fiscal statement meaningful, it must be considered in the context of the fiscal resources of the state. Suggestions include printing pie charts or graphs to illustrate the fiscal impact of the proposed measure in the context of state resources, and including a general statement in the Voters' Pamphlet that lists the estimated financial effects of each ballot measure upon the general fund and the combined effect if all were to be approved.

	Who Prepares It	Where It Is Published	Cite
Arizona	Joint Legislative Budget Cmte. (after measure qualifies for ballot)	Voter information pamphlet	Ariz. Rev. Stat. §19-123
California	Dept. of Finance, Joint Legislative Budget Cmte., and Attorney General	Petition, voter information pamphlet, and ballot (included in title prepared by Attorney General)	Cal. Election Code, §9005 Cal. Government Code, §12172
Colorado	Director of Research of the Legislative Council	Voter information pamphlet	Colo. Rev. Stat. §1-40-124.5
Florida	Not yet determined by law.	Not yet determined by law.	Fla. Const. Article XI, Section 5

Mississippi	Legislative Chief Budget Officer	Petition, voter information pamphlet, and ballot (included in text)	Miss. Code Ann. §23-17-1 and 23-17-45 Const. §273
Missouri	State Auditor and Attorney General	Petition, voter information pamphlet, and ballot (included in title)	Mo. Rev. Stat. §116.170 and 116.175
Montana	Budget Director	Petition, ballot and voter pamphlet	Mont. Code Ann. §13-27-312
Nevada	Secretary of State, in consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau	Ballot, voter information pamphlet	Nev. Rev. Stat. §293.250
Ohio	Tax Commissioner	Voter information pamphlet	Ohio Rev. Code Ann. §3519.04
Oregon	Secretary of State, Treasurer, Director of Dept. of Administrative Services, and Director of Dept. of Revenue	Voter information pamphlet, ballot	Or. Rev. Stat. §250.125 and 250.127
Utah	Office of Legislative Research	Voter information pamphlet	Utah Code Ann. §20A-7-701 and 20A-7-703
Washington	Office of Financial Management, in consultation with the Secretary of State, Attorney General, and any other appropriate state or local agency	Voter information pamphlet, Secretary of State Web site	Wash. Rev. Code §29.79.075
Wyoming	Secretary of State and/or initiative sponsors*	A newspaper of general circulation in state and ballot	Wyo. Stat. §22-24-105

*If the final estimated fiscal impact by the Secretary of State and the final estimated fiscal impact by the committee of sponsors differ by more than twenty-five thousand dollars (\$25,000.00), the Secretary of State's comments under this section and the ballot proposition (published in newspaper and ballot) shall contain an estimated range of fiscal impact reflecting both estimates.

Source: National Conference of State Legislatures, April 2002.

Additional Resources



Initiative and Referendum States

Initiative – a law or constitutional amendment introduced by citizens through a petition process either to the legislature or directly to the voters.

Popular Referendum – a process by which voters may petition to demand a popular vote on a new law passed by the legislature.

Initiative and Referendum States

State	Statutes		Constitution
	Initiative	Popular Referendum	Initiative
Alaska	I*	Yes	None
Arizona	D	Yes	D
Arkansas	D	Yes	D
California	D	Yes	D
Colorado	D	Yes	D
Florida	None	No	D
Idaho	D	Yes	None
Illinois	None	No	D
Maine	I	Yes	None
Maryland	None	Yes	None
Massachusetts	I	Yes	I

	Statutes		Constitution
Michigan	I	Yes	D
Mississippi	None	No	I
Missouri	D	Yes	D
Montana	D	Yes	D
Nebraska	D	Yes	D
Nevada	I	Yes	D
New Mexico	None	Yes	None
North Dakota	D	Yes	D
Ohio	I	Yes	D
Oklahoma	D	Yes	D
Oregon	D	Yes	D
South Dakota	D	Yes	D
Utah	D & I	Yes	None
Washington	D & I	Yes	None
Wyoming	I*	Yes	None
U.S. Virgin Islands	I	Yes	I

D – *Direct Initiative*; proposals that qualify go directly on the ballot

I – *Indirect Initiative*; proposals are submitted to the legislature, which has an opportunity to act on the proposed legislation. The initiative question will subsequently go on the ballot if the legislature rejects it, submits a different proposal or takes no action.

I* -- Alaska and Wyoming's initiative processes are usually considered indirect. However, instead of requiring that an initiative be submitted to the legislature for action, they only require that an initiative cannot be placed on the ballot until after a legislative session has convened and adjourned.

For more information, contact: Wendy Underhill, NCSL Staff Liaison.

AMENDED AGENDA #1
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Wednesday, February 26, 2020

SUBJECT	DESCRIPTION	PRESENTER
<u>RS27822</u>	UNANIMOUS CONSENT REQUEST from the Transportation Committee for a Senate Concurrent Resolution to fund recommendations for moving agriculture and other products to market.	Senator Brackett
<u>RS27788</u>	UNANIMOUS CONSENT REQUEST RELATING TO THE IDAHO ROADLESS RULE from the Resources and Environment Committee to clarify the Commission's role as a partner with the U. S. Forest Service in certain instances.	Senator Johnson
<u>RS27812</u>	RELATING TO THE IDAHO ADMINISTRATIVE PROCEDURE ACT to establish an independent Office of Administrative Hearings.	Senator Burgoyne
<u>RS27778</u>	RELATING TO LIQUOR to create a new category liquor license for hotels of a certain size and to make technical corrections.	Jason Kreizenbeck, Lobby Idaho
<u>RS27830</u>	RELATING TO ALCOHOL to revise alcohol content, to provide for a certain tax, and to provide for revenue distribution.	Senator Crabtree
<u>HJR 4</u>	HOUSE JOINT RESOLUTION proposing an amendment to the Constitution of the State of Idaho to fix the number of legislative districts at 35.	Senator Hill

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge	Sen Anthon
Vice Chairman Harris	Sen Souza
Sen Hill	Sen Stennett
Sen Winder	Sen Buckner-Webb
Sen Vick	

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 26, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and Buckner-Webb

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:00 a.m.

RS 27822 **UNANIMOUS CONSENT REQUEST** from the Transportation Committee for a Senate Concurrent Resolution to fund recommendations for moving agriculture and other products to market.

Senator Brackett, District 23, presented **RS 27822** and said the purpose of this legislation is for the Department of Agriculture (DOA) to obtain a study using the Rural Economic and Integrated Freight Transportation (REDIFit) program's money and return next year with results and recommendations. The REDIFit program has been in place over ten years and was set up as a loan program. **Senator Brackett** said the DOA will study the potential issues in transporting agricultural commodities and other manufactured products to market.

MOTION: **Senator Vick** moved to send **RS 27822** to print. **Vice Chairman Harris** seconded the motion. The motion carried by **voice vote**

RS 27788 **UNANIMOUS CONSENT REQUEST RELATING TO THE IDAHO ROADLESS RULE** from the Resources and Environment Committee to clarify the Commission's role as a partner with the U. S. Forest Service in certain instances.

Senator Johnson, District 6, presented **RS 27788**, which amends Idaho Code § 67-826, that established the Idaho Roadless Rule Implementation Commission. The amendments will clarify the Commission's role as a partner with the U.S. Forest Service, and will reduce the number of commissioners from 15 to a range of 9-12, subject to the discretion of the Governor.

MOTION: **Senator Souza** moved to send **RS 27788** to print. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

RS 27812 **RELATING TO THE IDAHO ADMINISTRATIVE PROCEDURE ACT** to establish an independent Office of Administrative Hearings.

Senator Burgoyne, District 16, presented **RS 27812**. He said at the last hearing it was decided that **S 1274** be held until certain issues were addressed. **RS 27812** incorporates the amendments recommended by the Attorney General in his letter dated February 13, 2020, from discussions with the Governor's Office and with the Idaho Department of Water Resources. **Senator Burgoyne** said the recommendations for amendments in the new letter from the Attorney General's Office, dated February 25, 2020, were not addressed in this RS.

MOTION: **Senator Winder** moved to send **RS 27812** to print. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

RS 27778 **RELATING TO LIQUOR** to create a new category liquor license for hotels of a certain size and to make technical corrections.

Jason Kreizenbeck, of Lobby Idaho presented **RS 27778** and said this legislation would amend Idaho Code § 23-958, to add a new category for liquor license in hotels. He said there has been an increasing demand for more hotels for the visitors coming to Idaho for conferences, conventions, and recreation. Many of the new hotels coming to Idaho want to sell liquor to guests at banquets, dinners, receptions, and conventions, and have found it increasingly difficult to acquire a liquor license for their operations. **Mr. Kreizenbeck** acknowledged the lateness in presenting the RS to the Committee, and explained that negotiating these specific qualifications proved to be quite challenging but felt **RS 27778** met their needs.

MOTION: **Senator Winder** moved to send **RS 27778** to print. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

RS 27830 **RELATING TO ALCOHOL** to revise alcohol content, to provide for a certain tax, and to provide for revenue distribution.

Senator Crabtree, District 7, presented **RS 27830** and said this legislation will amend Idaho Code § 23-1002 to revise provisions regarding the alcohol content of strong beer. It will also amend Idaho Code § 23-1008 to provide for a certain tax, provide for revenue distribution and to make technical corrections. Strong beer will now be measured by volume and not weight. He said any beer with an alcohol content over 5% per volume falls under the new category of strong beer. With this change, strong beer will no longer fall under the category of wine, and the Wine Commission will no longer receive the residual revenue. New provisions will allow the Wine Commission to receive a percentage of the revenue over a period of time, and when that period ends, the money will be distributed to the General Fund.

MOTION: **Senator Souza** moved to send **RS 27830** to print. **Senator Vick** seconded the motion. The motion carried by **voice vote**.

HJR 4 **HOUSE JOINT RESOLUTION** proposing an amendment to the Constitution of the State of Idaho to fix the number of legislative districts at 35.

Senator Hill presented **HJR 4** which is a House Joint Resolution proposing an amendment to the Idaho State Constitution (Constitution) setting the number of legislative districts at 35. The Constitution states that Idaho can have between 30 to 35 districts, with no more than two representatives for each senator. He said the state currently has 35 districts due to the substantial growth throughout the state.

Responding to Senator Stennett's question on the timing of this amendment with redistricting looming, **Senator Hill** said that it should be done before the next redistricting. It adds consistency, the probability of lessening court time, and it will help the redistricting committee to work towards established goals.

MOTION: **Vice Chairman Harris** moved to send **HJR 4** to the floor with a **do pass** recommendation. **Senator Souza** seconded the motion. The motion carried by **voice vote**, with **Senators Stennett** and **Buckner-Webb** requesting they be recorded as voting nay.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:27 a.m.

Senator Lodge, Chair

Twyla Melton, Secretary

Denise B. McNeil
Assistant to the Assistant Majority
Leader

AMENDED AGENDA #2
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Friday, February 28, 2020

SUBJECT	DESCRIPTION	PRESENTER
<u>RS27855</u>	UNANIMOUS CONSENT REQUEST from the Senate Transportation Committee to provide a practical method to use existing law to inspect commercial vehicles for died fuel.	Senator Brackett
PRESENTATION:	ANNUAL BRIEF BY THE IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION, IDAHO MILITARY DIVISION	Mayor Garret Nancolas, Chairman
<u>RS27825</u>	RELATING TO TORT CLAIMS to extend section 6I-904, Idaho Code to include defending attorneys and indigent defense providers.	Senator Winder
MINUTES APPROVAL	Minutes of February 5, 2020	Senator Winder and Senator Anthon
	Minutes of February 12, 2020	Senator Harris and Senator Buckner-Webb

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge	Sen Anthon
Vice Chairman Harris	Sen Souza
Sen Hill	Sen Stennett
Sen Winder	Sen Buckner-Webb
Sen Vick	

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, February 28, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and Buckner-Webb

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:05 a.m.

RS 27855 **UNANIMOUS CONSENT REQUEST** from the Senate Transportation Committee to provide a practical method to use existing law to inspect commercial vehicles for dyed fuel.

Senator Brackett, District 3, Chairman of the Transportation Committee, presented **RS 27855** which deals with inspections of commercial vehicles using dyed diesel fuel. He said the purpose of the legislation is to provide a practical inspection method to inspect commercial vehicles for dyed diesel fuel used on highways, and to ensure compliance with regulations and a minimum amount of disruption using existing state police.

MOTION: **Senator Hill** moved to send **RS 27855** to print. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

PRESENTATION: **ANNUAL BRIEF** by the Idaho Public Safety Communications Commission, Idaho Military Division.

Mayor Garrett Nancolas, Chairman of the Idaho Public Safety Communications Commission (IPSCC), Idaho Military Division, presented the annual brief to the Committee. He said the IPSCC was formed from the Idaho Emergency Communications Commission (IECC) which was created in 2004 under Title 31, Idaho Code. The goal of the creation of the IECC was to bring 911 services to the state for easy access to emergency communications. The IPSCC includes the Consolidated Emergency Communication System Centers, known as "System Centers" or the Public Safety Answering Points (PSAP), to coordinate an efficient and effective transition to the next generation of newer technology for the State of Idaho.

Mayor Nancolas provided some highlights from the annual report (see Attachment 1):

- in 2008, legislation to increase the 911 fee by twenty-five cents was passed creating a grant fund that has been used to change emergency communications in the state of Idaho and to fund the IPSCC;
- in 2010, the first of the grants was distributed to counties and PSAPs;
- to date, total grants distributed is over \$18 million;

- the annual operating budget of the IPSCC is \$192,000 which pays for staff and running the commission;
- the IPSCC has participated in discussions with the Governor and AT&T, and provided valuable input in placement of the new towers to ensure adequate service for all of Idaho.

RS 27825

RELATING TO TORT CLAIMS to extend Section 6-904, Idaho Code to include defending attorneys and indigent defense providers.

Senator Winder presented **RS 27825** and said this legislation will amend Idaho Code § 6-904, to provide an exemption for personal liability for a defending attorney or public defender. This exemption has been available to judges and prosecutors, but excluded public defenders.

MOTION:

Senator Anthon moved to send **RS 27825** to print. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

**MINUTES
APPROVAL:**

Senator Winder moved to approve the Minutes of February 5, 2020. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

Senator Harris moved to approve the Minutes of February 12, 2020. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

ADJOURNED:

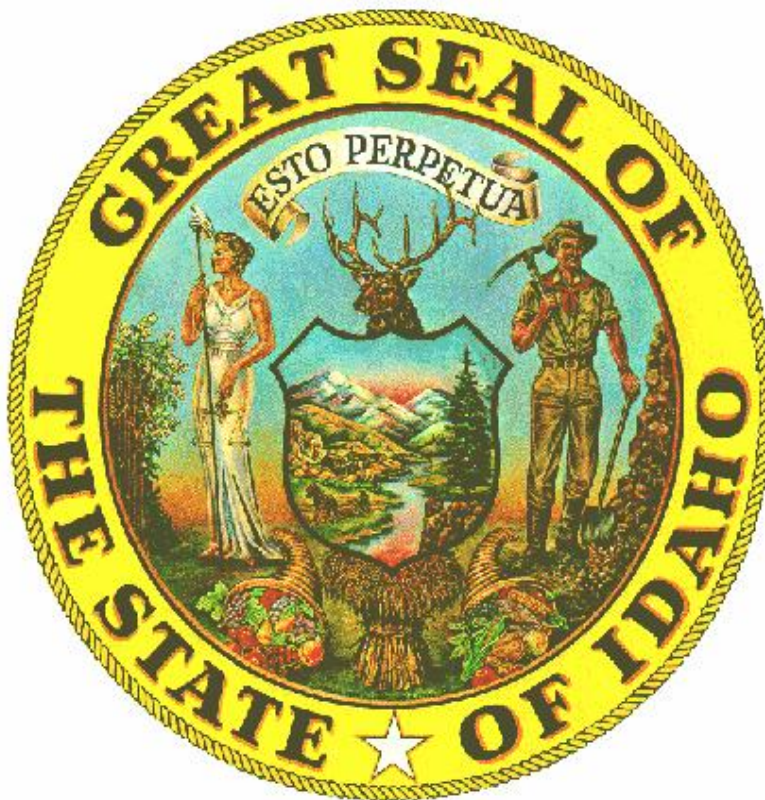
There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:20 a.m.

Senator Lodge, Chair

Twyla Melton, Secretary

Denise B. McNeil
Assistant to the Assistant Majority
Leader

IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION 2020 ANNUAL REPORT TO THE IDAHO LEGISLATURE



Prepared by:

STATE OF IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION

January 09, 2020

Idaho Public Safety Communications Commission One Page Executive Brief

The Idaho Public Safety Communication Commission (IPSCC) is comprised of stakeholders appointed by the Governor. IOEM coordinates the activities of the commission, and helps to establish best practices and standardization as it relates to interoperability among public safety communications professionals and entities that serve communities throughout Idaho.

- FY 2017 Grants: \$247,303 returned to grant fund.
- FY 2018 Grants: Released \$1,368,580.11 and have paid out \$791,236. \$577,343 remains in the fund.
- FY 2019 Grants: \$2,731,746.29 and have paid out \$1,078,188. \$1,574,133 remains in the fund.
- FY 2020 Grants: \$1,544,815 will be released.
- 40 counties participate in the grant fund program.
- IPSCC was formed 1 July 2016. Added representation to the new commission to balance stakeholder input, provide more local input (District Interoperability Governance Board [DIGB]). Now includes all of public safety (911 call taking, dispatch, radio, and broad band or data).
- 42 counties now have text to 911 live, 2 are in the process of putting text to 911 in place. By the end of the 1st quarter of 2020 it is projected that 100% of counties will have text to 911 live.
- The commission has approved an Request for Proposal (RFP) for Consultant Services in preparation of working on Next Generation 911 for Idaho.



IPSCC

FY 2017 GRANTS: **\$2,106,091** Returned to Grant Fund

FY 2018 GRANTS: **\$1,368,580** Released to Counties
\$791,236 Paid Out

\$577,343 Remains in Grant Fund

FY 2019 GRANTS: **\$2,731,746** Released to Counties
\$1,078,188 Paid Out

\$1,574,133 Remains in Grant Fund

FY 2020 GRANTS: **\$1,544,815** Will be Released



PARTICIPATE IN GRANT FUNDS



DIGB (DISTRICT INTEROPERABILITY GOVERNANCE BOARD)
 includes ALL of PUBLIC SAFETY

TEXT
42 COUNTIES
 ARE LIVE



LIVE
2 COUNTIES ARE
 IN PROCESS



IDAHO IS MOVING FORWARD
 ON THE STATE PLAN FOR
NG911
 (Next Generation 911)



Idaho Public Safety Communications Commission 2020 Annual Report to the Idaho Legislature

Overview

In 2016, the Idaho Public Safety Communications Commission (IPSCC) was formed from the Idaho Emergency Communications Commission (IECC) with new legislation that expanded IPSCC responsibilities. The IPSCC continues the work started by the IECC (established 2004) to address the needs and improve the 9-1-1 telephone systems operated by Idaho counties and cities throughout the state.

The Commission includes Consolidated Emergency Communications System Centers that are referred to as dispatch centers or Public Safety Answering Points (PSAP). The process is considered a “system” from call initiation to resolution of the call. Telephone, radio, and data are included in the responsibilities of the IPSCC where the IECC only addressed 911 telephony. The PSAPs are termed consolidated under Idaho law as all vital public safety agencies are dispatched out of the center, and the PSAPs then send the necessary assistance whether it is law enforcement, fire, or emergency medical services without the caller needing to dial separate numbers.

The IPSCC has the duty to:

- Provide the governance structure through which public safety communications stakeholders can collaborate to advance consistency and common objectives,
- To provide integrated facilitation and coordination for cross-jurisdictional consensus building,
- To assist in the standardization of agreements for sharing resources among jurisdictions with emergency response communications infrastructure,
- To suggest best practices, performance measures and performance evaluation in the integrated statewide strategic planning and implementation of interoperability among public safety communications professionals and entities that serve people in Idaho regardless of jurisdiction,
- To manage the Idaho public safety interoperable communications and data systems fund as established by section §31-4820, Idaho Code,
- To pursue budget authorizations as set forth in this chapter.

Highlights of 2019

Enhanced Grant Fee Fund Awards to Provide Funding for 911 Center Upgrades in 2020:

ADAMS COUNTY	\$37,563.40
BENEWAH COUNTY	\$8,264.86
BOISE COUNTY	\$17,471.75
BUTTE COUNTY	\$220,506.57
CANYON COUNTY	\$42,676.00
CITY OF POST FALLS	\$9,124.86
CLARK COUNTY	\$165,226.85
ELMORE COUNTY	\$37,244.63
FRANKLIN COUNTY	\$175,960.00
JEFFERSON COUNTY	\$225,389.23
KOOTENAI COUNTY	\$67,774.65
LATAH COUNTY	\$172,527.28
ONEIDA COUNTY (Joint with Bonneville)	\$19,500.00
OWYHEE COUNTY (Joint with 17 Counties)	\$204,000.00
OWYHEE COUNTY	\$41,093.51
VALLEY COUNTY	\$52,492.30
IPSCC	\$38,000.00
<u>TOTAL</u>	<u>\$1,544,815.89</u>

Mission and Purpose

The mission of the Idaho Public Safety Communications Commission:

Enhance Idaho's public health, safety, and welfare by assisting emergency communications and response professionals in the establishment, management, operations, standardization, planning and development of a coordinated statewide policy/program, to ensure enhanced 911 services, NG 911 services, and future/emerging public safety technologies are available to all citizens of the state and people in all areas of the state. Find emergency communications solutions and keep up with technological advances in areas of 9-1-1, radio, data and emergency communications for public safety purposes.

PSAPs in Idaho

There are forty-eight (48) PSAPs in Idaho

- Thirty-nine (39) are operated by county sheriff's offices,

- One (1) operated by the county contracting with various cities and entities in the County (Blaine County),
- Seven (7) by cities through their police departments or by contract with another city (City of Moscow),
- Four counties (Twin Falls, Jerome, Lincoln and Gooding) are served by a regional PSAP known as SIRCOMM.

There are currently four (4) Secondary PSAPs in Idaho operated by the Idaho State Police (North and South), State Comm and the INL. There are also two (2) federally funded PSAPs in Idaho (MHA FB and Gowen Field ANGB). The INL is a secondary PSAP for Idaho (approved in 2018). They are still federally funded and do not receive any State 911 fees for operations.

Please refer to Appendix M for references to the legislative authority for the creation of the IPSCC.

Commission Representation

The Commission is comprised of eighteen members. As indicated below, the majority of the members represent various local statewide governmental associations, regional breakouts of the state (DIGBs) and the public at large from all regions of the State of Idaho. The Governor appoints all of the members. Two members are members by virtue of their position -Director of the Idaho State Police or designee and the Director of the Office of Emergency Management (OEM) or designee.

Mayor Garret Nancolas – Chair
Association of Idaho Cities
City of Caldwell

Rep. Rick Youngblood
Legislator
Idaho House of Representatives/Senate

Michele Carreras – Treasurer
Idaho State Emergency Medical
Services Communications Center

Jeff Weak
Chair, Idaho Technology Authority

Chief Craig Kingsbury
Idaho Chiefs' of Police Association
City of Twin Falls

Capt Kevin Haight
Designee for Director
Idaho State Police

Commissioner Kent Searle
Idaho Association of Counties
Cassia County

Sheriff Len Humphries
Idaho Sheriff's Association
Fremont County

Chief David Gates – Vice Chair
Idaho Fire Chiefs Association
Pocatello Fire Department

Sheriff Stephen Bartlett
Idaho Sheriff's Association
Ada County

Brad Richy
Director
Office of Emergency Management

Sheriff Ben Wolfinger
DIGB 1
Kootenai County

Dave Taylor
DIGB 2
Nez Perce County 9-1-1

Carmen Boeger
DIGB 3
Nampa City Police Department

Commissioner Jacob Greenberg
DIGB 4
Blaine County

Sheriff Lorin Nielsen
DIGB 5
Bannock County

Capt. Sam Hulse
DIGB 6
Bonneville County Sheriffs Office

Vacant
Idaho Tribal Representative

Activities and Accomplishments

Meetings and Training Seminars

The Commission conducted bi-monthly meetings throughout 2019. In keeping with the Commission's mission to accommodate the interest from different areas of the state, the Commission met in Pocatello in May and McCall in September.

Operations and Funding

The funding for the operation of the Commission comes from an assessment level of one percent (1%) of all emergency communications fees collected in the state. The service providers collect the fee in the amount up to \$1.00 or \$1.25 (for Enhanced Grant Fee participation) per line from their customers and then remit this to individual counties or 9-1-1 service areas. The counties are then responsible for sending 1% of the total fee to the Commission for operations of the Commission. Example is located in Appendix N.

The Commission approved an annual operating budget of \$192,980 (Appendix B, contingency fund of \$10,000 and \$250,000 set aside for the NG 9-1-1 consultant RFP the year prior of which \$44,416 has been expended for work provided). \$38,000 is programmed for the Grants administration budget for fiscal year 2020 (FY20) (Appendix C). During fiscal year 2019 (FY19), \$224,421.99 was revenue collected from the forty-four counties who currently assess and collect the fee (1%, prepaid, and interest combined for the year). A copy of the final operating budget for FY19 is included in Appendix A.

With the implementation of the Enhanced Grant Fee and forty (40) participating counties of forty-four (44) total, the revenue collected through this fee was \$2,234,510.48 in FY 2019 with a total of \$200,446.82 earned in interest. See Appendix N for a break out of

the fee amounts as an example. See Appendix K for a list of participating counties and Appendix M for legislative authority for the Enhanced Grant Fee.

Status of E9-1-1 in Idaho

The Commission has continued to assess the needs of local governments throughout Idaho. We understand that citizens expect the same level of service throughout the state regardless of how they contact area 9-1-1 centers throughout Idaho through the use of a wireline, wireless phone, or VoIP and whether or not they are in an urban or rural setting.

The key to this service is known as Enhanced 9-1-1 ("E9-1-1"). E9-1-1 is the ability of a PSAP to obtain a caller's callback number and an address when a caller dials 9-1-1. This means that the PSAP receives voice-only 9-1-1 calls and the dispatcher must obtain the type of emergency, the telephone number and the location from the caller. If the caller is unable to speak, the needed emergency response is delayed. All PSAPs in Idaho currently have this capability (E9-1-1). With FY17 Enhanced Grant Fee awards, all counties in the State of Idaho continue to have E9-1-1 capabilities and were Phase I-II Wireless compliant. Phase I ensures that a PSAP has a callback number for the wireless phone and identification of the cell-tower from which the call originated. Phase II means that a wireless 9-1-1 call has Phase I requirements plus location of the caller within 50 meters of the location of the call 67% of the time and selective routing based upon those coordinates. This essentially means that a PSAP can direct first responders to the basic location of the caller.

Status of NG 9-1-1 in Idaho

The Commission has set aside initial funds for a consultant service to help with planning, governance, legislative changes (funding), and RFP writing for NG 9-1-1 in Idaho. The consultant company will be delivering reports with suggested modifications, additions, and inclusions to current governance and legislation in the first quarter of calendar year 2020. Due to limited administrative funds available for the commission to act, the project was divided into three phases with the reports being prioritized first utilizing the funds on hand. The next two phases will be set aside until funding is found (phase 2 is the actual RFP writing for the ESI Net and GIS RFP, Phase 3 would be project management of the system build once the RFPs have been delivered and accepted). The Commission will prioritize and begin implementing the plans in the first half of the year 2020.

NG9-1-1 is a system comprised of managed IP-based networks and elements that augment present E9-1-1 features and functions. It is designed to provide access to emergency services from all sources and to provide multimedia data capabilities for PSAPs. A good example would be a caller using real time text messaging from a wireless phone or similar form of communication devices to access an Idaho PSAP.

IPSCC Strategic Goals

The Commission has set goals to ensure that all citizens in the State of Idaho are able to benefit from technology widely available. The strategic goals are:

1. Ensure that all PSAPs continue to be compliant with requirements to receive information from callers using a wireless or cell phone, which is known as Phase I and Phase II. This will be an ongoing effort, as older equipment will need refreshed and modernized to continue this capability.
 - a. Sustain and maintain E9-1-1, Phase I, and Phase II compliance in Idaho. **Continued Maintenance.**
2. Host/remote equipment sharing and equipment consolidation between PSAPs as a continued emphasis area for special Grant funds. **In progress.** An example of potential savings with equipment/system consolidation is below:
 - a. As an example: if it costs \$250,000 to upgrade a PSAP 911 system, we gave an outlay to 3 counties to develop their systems interconnected into the fourth county in the amount of \$750,000. Over the course of the next 4 years, those 4 counties will share in the costs to maintain one main system instead of 4 separate systems and maintenance fees. Also, in 5 years, instead of 4 PSAPs asking for \$1,000,000 to build new systems we should be able to upgrade the one consolidated system for approximately \$250,000-\$350,000.
 - b. The more PSAP's that join, the more PSAPs share in maintenance of the consolidated system thereby decreasing the overall yearly maintenance costs for all the counties on the system. There will still be onsite maintenance of the PSAP's node systems; however, that maintenance is greatly reduced from what it would cost to maintain a standalone system. We also expect the telecommunication fees to decrease. We will not know that average until the system is in place and operational.
3. Assess the feasibility of implementing Next Generation 9-1-1 ("NG9-1-1") throughout Idaho and statewide purchasing agreements.
 - a. A funding analysis was contracted to provide the data regarding funds available, costs, requirements, and feasibility of NG 911 for the state of Idaho. **Completed (2018).**
 - i. The 9-1-1 funding has never been adjusted for inflation since its inception in 1988. Overall 9-1-1 trends indicate that the fund is decreasing 5% overall per year and that is being masked by a rise in population. The main area of concern is the business transition to VoIP and the remittances based on one line that can dial 9-1-1 versus accounting for all of the lines on the trunked connection. Accounting control measures were noted as not standardized from county to county enough to enable efficient tracking regarding vendor remittances and trend analysis at the county or state level.

The consultant suggested a standardized remittance form and a monthly provider remittance review to note changes and trend information. The trends presented to the providers for explanation or resolution. The trends reported by county on a monthly/quarterly basis. The consultant suggested a comprehensive legislative review as a follow on step once the control measures are in place. The consultant estimated that there is currently not enough revenue to sustain or build a NG 9-1-1 system at the current funding levels nor do they address current technology trends and any emerging technologies (VoIP networks as an example). A copy of the report was included as Appendix O in the 2018 report to the Legislature.

- b. A consulting firm was contracted to provide actionable recommendations for the Emergency Services IP Network (ESI Net), Geographic Information System (GIS) systems, State Plan update, suggested legislation modifications, governance, and funding adjustments to afford NG 9-1-1 (see strategic goal 3). Reports and recommendations are due to the IPSCC in the first quarter of 2020. The IPSCC will then formalize and decide on implementation with probable legislative changes. The changes will formalize the NG 9-1-1 steps to be taken in Idaho. **In progress.**
 - c. Support statewide GIS mapping as we move closer to NG 911 systems in Idaho. Support regional projects and sharing of data between jurisdictions and PSAPS. **In progress.**
4. Approved support of rural PSAPs with line fee and maintenance costs in order to promote IP connectivity across the state. Assess appropriate funds and the award process for grant funds to support maintenance and line fee costs each grant cycle as able with yearly grant funds. The funding problem will become more acute with equipment cost and the move to IP connectivity (NG9-1-1). **In progress.**
 5. Encourage Text to 9-1-1 capabilities (Appendix J). **In progress.** The commission is pleased to report that this strategic goal may be completed by the end of first quarter calendar year 2020. 42 Idaho Counties have text to 911 capabilities and the remaining 2 have current plans for installation of the capability or are in final stages of testing with wireless carriers.

The Commission is pleased to report that in 2019 through the 25-cent grant fund, all of the 48 PSAPs continue to be E9-1-1, Phase I and II compliant. Sustainment and maintenance of this capability will be the focus until we move forward into NG 9-1-1. The Commission is prioritizing equipment consolidation and sharing between PSAPs to help decrease costs and duplication of equipment. The main obstacle for all PSAPs is the lack of resources and funding.

The Commission has requested an updated NG 9-1-1 state plan for the implementation of Next Generation 9-1-1 with the consultant. The updated plan will utilize the format outlined in the collaborative agreement between the National Association of State 9-1-1 Administrators (NASNA) and the National 9-1-1 Implementation Coordination Office (ICO). The updated state plan will address the strategic and operational needs of the state's PSAPs and is a prerequisite to receive federal funds and support. This new network will serve the increasing needs of all Idaho's PSAPs in meeting requirements of new communications technologies. The plan will also include a financial analysis and the potential impact on staffing. This process will be ongoing with consideration to governance, finance and structure.

Public Safety Answering Point (PSAP) Standards & Training Committee

Mission Statement

To promote professional development and standardization of public safety communications in the state of Idaho.

History

The Idaho Emergency Communications Commission (IECC) formed the Public Safety Answering Point (PSAP) Standards & Training Committee as an advisory committee in 2007. It is comprised of thirteen members from Emergency Communications Centers (ECCs) across the state of Idaho. The committee includes more than 300 years of combined law enforcement/Emergency Communications Officer (ECO) experience. It is comprised of representatives from each of six districts who serve with city police departments, sheriff's offices, or the Idaho State Police. They are senior ECOs, first line supervisors, managers, and directors, with a variety of backgrounds from the career ECO to a commissioned/sworn officer. Additionally, the PSAP Standards & Training Committee has two representatives appointed to the Idaho Public Safety Communications Commission (IPSCC.) The PSAP Standards & Training Committee continues collaboration with each ECC agency in the state using surveys, regional trainings and regular meetings, constantly striving to support and enhance the professionalism and standardization of each of Idaho's ECCs and their ECO staff.

2019 Members

Idaho State Police	Kevin Haight - Chairman
City of Nampa Police Department	Carmen Boeger - Vice Chair
City of Lewiston Police Department	Cindy Felton - Secretary
*Whitcom 9-1-1	Wendy Berrett - Treasurer
Bingham County Sheriff's Office	Erin Hidalgo

Jefferson County Sheriff's Office	Lynn Parker
Cassia County Sheriff's Office	DeAnn Taylor
Canyon County Sheriff's Office	Roxanne Wade
Idaho State Police	Trisha Marosi
Madison County Sheriff's Office	Cullin Sherman
City of Post Falls Police Department	Charlene Holbrook
City of Pocatello Police Department	Stephanie Harris
Valley County Sheriff's Office	Kelly Copperi

* Whitcom 9-1-1 serves the city of Moscow and Nez Perce Tribe, in Idaho, as well as the city of Pullman, Washington State University, Whitman County, and Asotin County, in Washington.

PSAP Standards & Training Committee Objective

The primary objective of the PSAP Standards & Training Committee is to define, create, and implement standardized training and education, as well as enhance the professional development of emergency dispatchers and dispatch centers in the state of Idaho.

2019 PSAP Standards & Training Committee Goals

1. Prepare and Implement the 8th Annual PSAP Conference.

The 8th Annual PSAP Conference was held in the convention center at The Riverside Hotel, in Boise, on October 28-30, 2019. Using a conference format, the PSAP Standards & Training Committee hosted approximately 181 attendees from various positions of public safety across the state of Idaho, and a few attendees from Washington, Montana, and Arizona. This is a record attendance, with last year's conference setting the previous record of 178 attendees. For the third time ever, two continuing education tracks were offered: dispatching and technical. Attendees had the opportunity to earn up to 16 hours of POST training credit by attending both full days (October 29 & 30). An approximate total of 2,106 hours of POST training was earned.

- Gordon Graham, a retired 33-year veteran of the California Highway Patrol, and current lawyer and speaker focused on risk mitigation opened the first day of the conference as the keynote, presenting on "Concurrent Themes for Success." He closed the first day of the conference with a long breakout session covering the topic of "Creating Some WOW." Mr. Graham served as a street cop, supervisor, manager and executive. He was awarded a B.A. in Business from San Francisco State College, a Teaching Credential from California State University, Long Beach, a Masters Degree in Safety and Systems Management from the University

of Southern California, and a Juris Doctorate from Western State University. He has taken his background as a cop, risk manager and attorney and is the Co-Founder of Lexipol, a company designed to standardize public safety practices around America. Along with Chief Billy Goldfeder, Mr. Graham is the co-owner of the popular firefighter safety website, FireFighterCloseCalls.com and he assisted the IAFC with constructing their site, FireFighterNearMiss.com. He has presented to fire and law enforcement personnel from around the world. Over the last decade, Mr. Graham has spoken to over 500,000 different law enforcement, fire personnel, dispatchers and EMS professionals from around the world (including NFA and IAFC). In 1995, he was presented with the Governor's Award for excellence in law enforcement training by Governor Wilson (sole recipient). In 2005 he received recognition from the IAFC for his lifelong work in improving firefighter safety and performance. In 2008 he received the lifetime achievement award from California POST. In 2015 he received the lifetime dedication award from the International Public Safety Leadership and Ethics Institute. In 2018 he received the James Oberstar Sentinel for Safety Award for his lifetime work in improving aviation safety internationally. In 2019 he received the Howard W. Rayon Distinguished Service Award. His penetrating wit coupled with his vast knowledge in multiple disciplines provided this year's conference attendees with information packed sessions.

- State Representative Rick Youngblood opened the second day of the conference as the keynote speaker with the topic of "Always Be Humble & Kind." Representative Youngblood currently represents Idaho's District 12 (House seat B). He was born in Boise, Idaho and graduated from Weiser High School. He attended North Idaho College and the College of Idaho. He graduated from NW Ag Credit School at Washington State University. He is a graduate of Pacific Coast Banking School at the University of Washington. Representative Youngblood was the president of an engineered wood products and commercial development company. He has 30 plus years in banking and is currently the Vice President of Sunwest Bank. Representative Youngblood has been married to his wife, Arlene, for 47 years. He has two children and seven grandchildren.

The following ECO professional development sessions were also held during the conference:

- Court Testimony/Liability
- Crisis Intervention
- Bullying In Dispatch
- Your Mission
- Rescue Task Force

The following technical professional development tracks were also offered at the conference:

- Next Generation Networking in Idaho: Panel Discussion
- FirstNet Roadmap Update & Short Term Reinvestment Discussion
- How To Capture Stakeholder Needs for the Upgrade or Modification of Technology Projects
- Don't Be A Dinosaur; LMR to LTE Transitions
- Cybersecurity Roundtable Discussion
- What Should I Do Now That There Is An NG911 GIS Data Model?

2. Provide quarterly training opportunities for ECOs in various areas of the state.

This goal was accomplished during the first, second and third quarters with the following training:

- **Quarter 1:** “AMBER Alert Training” taught by Tanea Parmenter & Trisha Marosi of the ISP
- **Quarter 2:** “Purpose Over Preference” taught by Andrea Dearden of the Ada County Sheriff's Office
- **Quarter 3:** “Suicide Prevention” taught by Kim Kane, formerly of Idaho Department of Health & Welfare
- **Quarter 4:** Training was provided at the 8th Annual PSAP Conference

Below reflects the approximate POST training hours earned by attendees during the three PSAP Quarterly Regional Trainings:

District 1	82 students	328 POST hours
District 2	62 students	248 POST hours
District 3	94 students	376 POST hours
District 4	15 students	60 POST hours
District 5 & 6	97 students	388 POST hours

3. Continued collaboration with Idaho POST and the POST Council and other stakeholders in the adoption and implementation of ECO basic training curriculum for the state of Idaho.

Mandatory hiring and training standards became Idaho law on July 1, 2017. All stakeholders, the legislative branches, and the executive branch accomplished this goal because of overwhelming support. The PSAP Standards & Training Committee has worked closely with the POST staff and stakeholders for the full and complete implementation of the training, IDAPA rules, and an online training

option. Several stakeholders supported this effort after several years of commitment that Idaho and the PSAP Standards & Training Committee will next work towards a state-required use of emergency medical dispatching protocols.

2020 PSAP Standards & Training Committee Goals

1. Prepare and implement the 9th Annual PSAP Conference in Coeur d'Alene.
2. Provide quarterly training opportunities for ECOs, to be presented in various areas of the state.
3. Continue collaboration with POST, stakeholders, and the IPSCC in the implementation of mandatory minimum dispatch hiring and training standards, both for an online training option and for future classroom-based academies.
4. The committee will continue to collaborate with the IPSCC, DHW, and all other stakeholders in seeing Idaho adopt and mandate the use of an EMS dispatching protocol for emergency dispatching services by its ECCs and their ECOs. This is also in keeping with national initiatives and trends to ensure standardization, professionalism, and best-practice EMS instructions are provided to emergency callers until first responders arrive at an incident.

National Representation and Associations

The 9-1-1 Program Manager, Craig Logan, who is an employee of the Commission, represented the Commission at the 2019 National Emergency Number Association Conference ("NENA"), the 2019 Western Regional Association of Public-Safety Communications Officials ("APCO"), and one (1) National Association of State Administrators Conference ("NASNA"). Mr. Logan also conducted visits to the ten (10) District Interoperability Guidance Board (DIGB) meetings throughout the state to assist 9-1-1 administrators and local guidance boards with technical issues.

APPENDICES

Appendix A	Final Fiscal Year 2019 Budget and Grant Budget
Appendix B	Fiscal Year 2020 Budget
Appendix C	Fiscal Year 2020 Grants Budget
Appendix D	2015 Status of Service Map
Appendix E	2016 Status of Service Map
Appendix F	2017 Status of Service Map
Appendix G	2018 Status of Service Map
Appendix H	2019 Status of Service Map
Appendix I	2020 Status of Service Map
Appendix J	Text to 911 Status Map
Appendix K	List of Counties Adopting the Enhanced Grant Fee
Appendix L	2019 Enhanced Grant Fee Status Map
Appendix M	Legislative Authority
Appendix N	9-1-1 Fee Example

Appendix A

E911 IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION FINAL FY 2019 Admin Budget

	2019 APPROVED BUDGET	2019 EXPENSES
ADMINISTRATIVE EXPENSES		
ADMINISTRATIVE RULES	\$600.00	\$728.00
AWARDS	\$400.00	\$161.92
CONSULTANT	\$250,000.00	\$44,416.00
FUEL	\$3,000.00	\$481.73
OFFICE EQUIPMENT	\$1,000.00	\$0.00
OFFICE SUPPLIES	\$1,000.00	(\$168.37)
PHOTOCOPYING	\$700.00	\$230.25
POSTAGE	\$500.00	\$160.00
PROFESSIONAL MEMBERSHIP FEES	\$1,100.00	\$734.00
PSAP WEB MAINTENANCE	\$500.00	\$521.85
SALARY/BENEFITS	\$111,760.00	\$111,609.97
SALARY/BENEFITS (COST SHARE FOR ADMIN)	\$10,000.00	\$0.00
STATEWIDE ALLOCATION COSTS	\$5,000.00	\$6,655.07
TELEPHONE	\$1,000.00	\$528.53
TRAVEL- IN STATE	\$5,000.00	\$2,234.97
TRAVEL- OUT OF STATE	\$8,000.00	\$5,236.05
VEHICLE PURCHASE	\$0.00	\$0.00
VEHICLE REPAIR AND MAINTENANCE	\$1,800.00	\$87.99
	\$401,360.00	\$173,617.96
COMMISSION AND MEETING EXPENSES		
MEETING EXPENSES	\$3,000.00	\$423.29
TRAVEL - IN STATE/TRAINING	\$9,000.00	\$13,235.09
TRAVEL- OUT OF STATE/TRAINING	\$1,500.00	\$2,054.89
	\$13,500.00	\$15,713.27
PSAP COMMITTEE EXPENSES		
NON-STATE EMP TRAVEL/TRAINING	\$18,000.00	\$14,517.91
TRAINING SUPPLIES/SERVICES	\$7,000.00	\$5,610.81
	\$25,000.00	\$20,128.72
TOTAL (LESS CONTINGENCY)	\$439,860.00	\$209,459.95
CONTINGENCY FUNDS		
CONTINGENCY FUNDS	\$10,000.00	\$0.00
REMAINING FUNDS NOT EXPENDED THIS FY		\$230,400.05

Appendix A (Continued)

**E911 IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION
FY 2019 Grant Budget-Expended**

	2019 BUDGET	2019 EXPENSES
GRANT EXPENSES		
CONSULTANT	\$50,000.00	\$7,451.00
FUEL	\$1,000.00	\$868.18
OFFICE EQUIPMENT	\$500.00	\$0.00
OFFICE SUPPLIES	\$1,500.00	\$575.72
PROFESSIONAL MEMBERSHIP FEES	\$0.00	\$0.00
SALARY/BENEFITS	\$26,500.00	\$26,134.37
TELEPHONE	\$750.00	\$579.54
TRAVEL - IN STATE	\$5,000.00	\$4,555.63
TRAVEL - OUT OF STATE	\$3,000.00	\$0.00
	\$88,250.00	\$40,164.44
	\$88,250.00	\$40,164.44
REMAINING FUNDS NOT EXPENDED THIS FY		\$48,085.56

Appendix B

E911 IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION**Approved FY 2020 Admin Budget**

	2019 BUDGET	2020 BUDGET			
ADMINISTRATIVE EXPENSES					
ADMINISTRATIVE RULES	\$600.00	\$600.00			
AWARDS	\$400.00	\$400.00			
CONSULTANT	\$0.00	\$250,000.00			
FUEL	\$3,000.00	\$3,000.00			
OFFICE EQUIPMENT	\$1,000.00	\$1,500.00			
OFFICE SUPPLIES	\$1,000.00	\$500.00			
PHOTOCOPYING	\$700.00	\$300.00			
POSTAGE	\$500.00	\$50.00			
PROFESSIONAL MEMBERSHIP FEES	\$1,100.00	\$1,100.00			
SALARY/BENEFITS	\$111,760.00	\$116,530.00			
SALARY/BENEFITS (COST SHARE FOR ADMIN)	\$10,000.00	\$10,000.00			
STATEWIDE ALLOCATION COSTS	\$5,000.00	\$5,000.00			
TELEPHONE	\$1,000.00	\$1,000.00			
TRAVEL- IN STATE	\$5,000.00	\$5,000.00			
TRAVEL- OUT OF STATE	\$8,000.00	\$8,000.00			
VEHICLE PURCHASE	\$0.00	\$0.00			
VEHICLE REPAIR AND MAINTENANCE	\$1,800.00	\$1,000.00			
	\$150,860.00	\$403,980.00			
COMMISSION AND MEETING EXPENSES					
MEETING EXPENSES	\$3,000.00	\$3,000.00			
TRAVEL - IN STATE/TRAINING	\$9,000.00	\$9,500.00			
TRAVEL- OUT OF STATE/TRAINING	\$1,500.00	\$1,500.00			
	\$13,500.00	\$14,000.00			
PSAP COMMITTEE EXPENSES					
NON-STATE EMP TRAVEL/TRAINING	\$18,000.00	\$18,000.00			
TRAINING SUPPLIES/SERVICES	\$7,000.00	\$7,000.00			
	\$25,000.00	\$25,000.00			
ADMINISTRATIVE EXPENSES LESS CONSULTANT		\$192,980.00			
ADMINISTRATIVE EXPENSES TOTAL	\$189,360.00	\$442,980.00			
CONTINGENCY FUNDS	\$260,000.00	\$10,000.00			

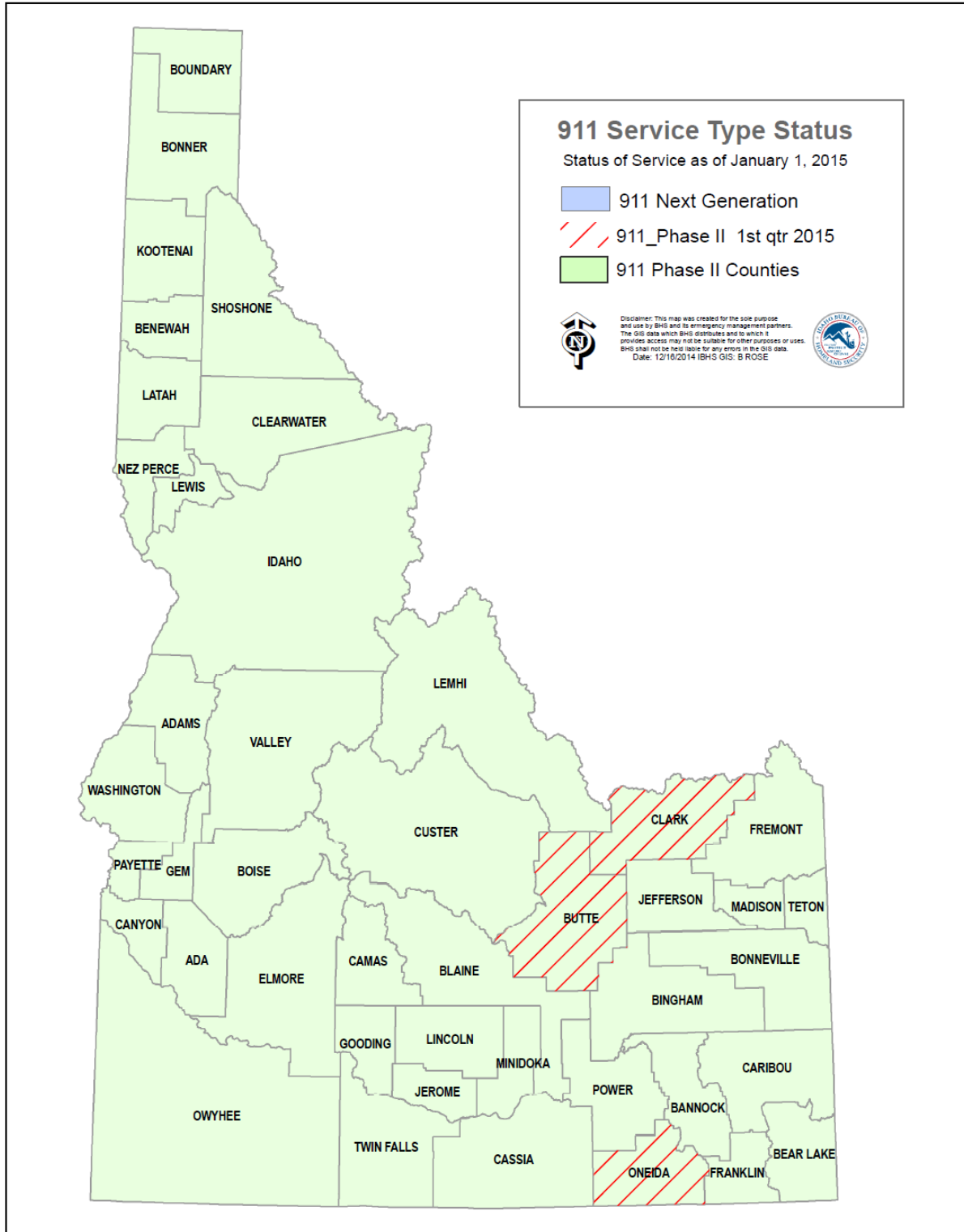
Appendix C

E911 IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION**Approved FY 2020 Grant Budget**

E911 IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION						
Approved FY 2020 Grant Budget						
		2019	2020			
		BUDGET	BUDGET			
	GRANT EXPENSES					
	CONSULTANT	\$50,000.00	\$0.00			
	FUEL	\$1,000.00	\$2,000.00			
	OFFICE EQUIPMENT	\$500.00	\$1,500.00			
	OFFICE SUPPLIES	\$1,500.00	\$1,500.00			
	PROFESSIONAL MEMBERSHIP FEES	\$0.00	\$0.00			
	SALARY/BENEFITS	\$26,500.00	\$26,500.00			
	TELEPHONE	\$750.00	\$750.00			
	POSTAGE		\$250.00			
	TRAVEL - IN STATE	\$5,000.00	\$5,500.00			
	TRAVEL - OUT OF STATE	\$3,000.00	\$0.00			
		\$88,250.00	\$38,000.00			
		\$88,250.00	\$38,000.00			

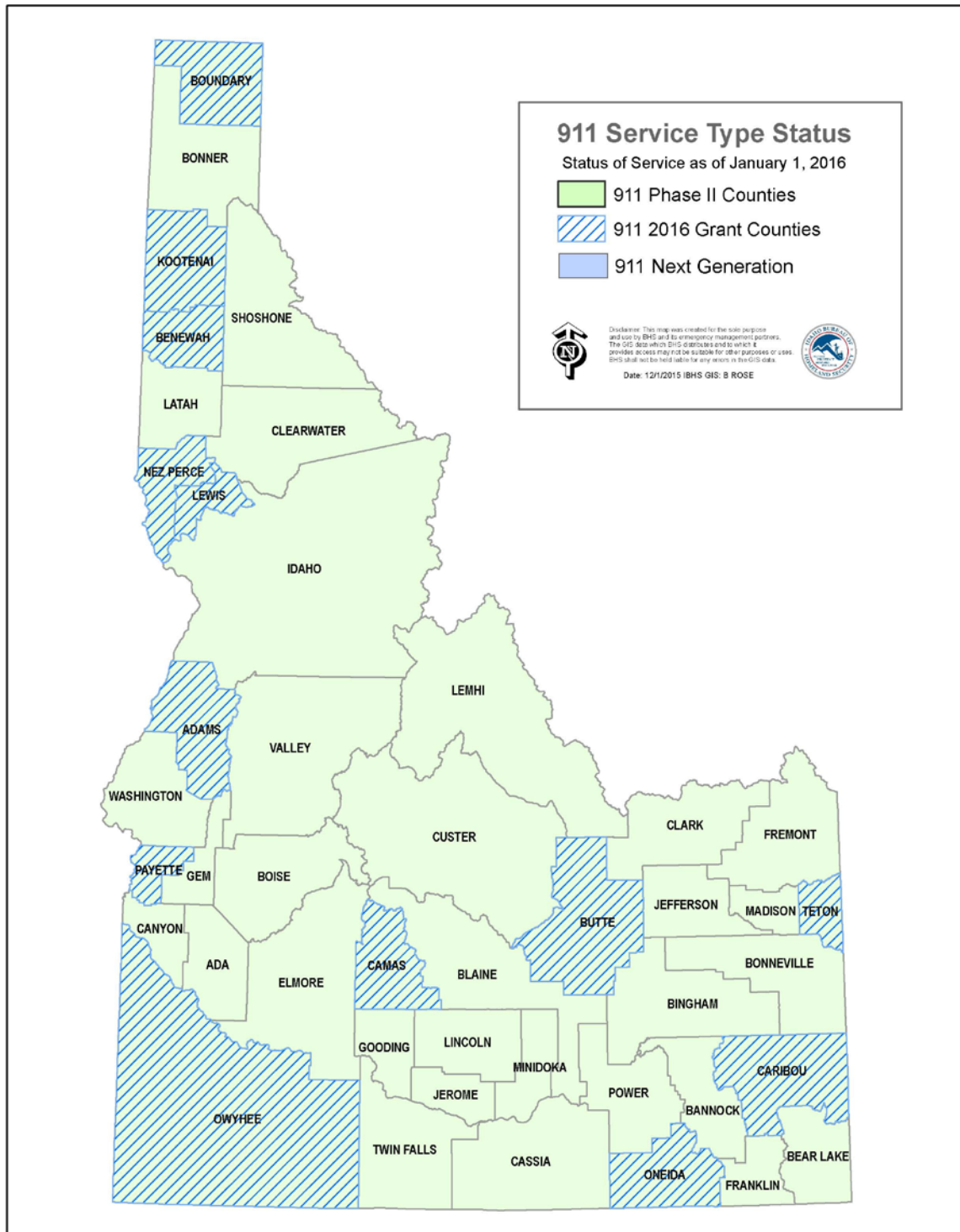
Appendix D

2015 Status of 9-1-1 Service Map

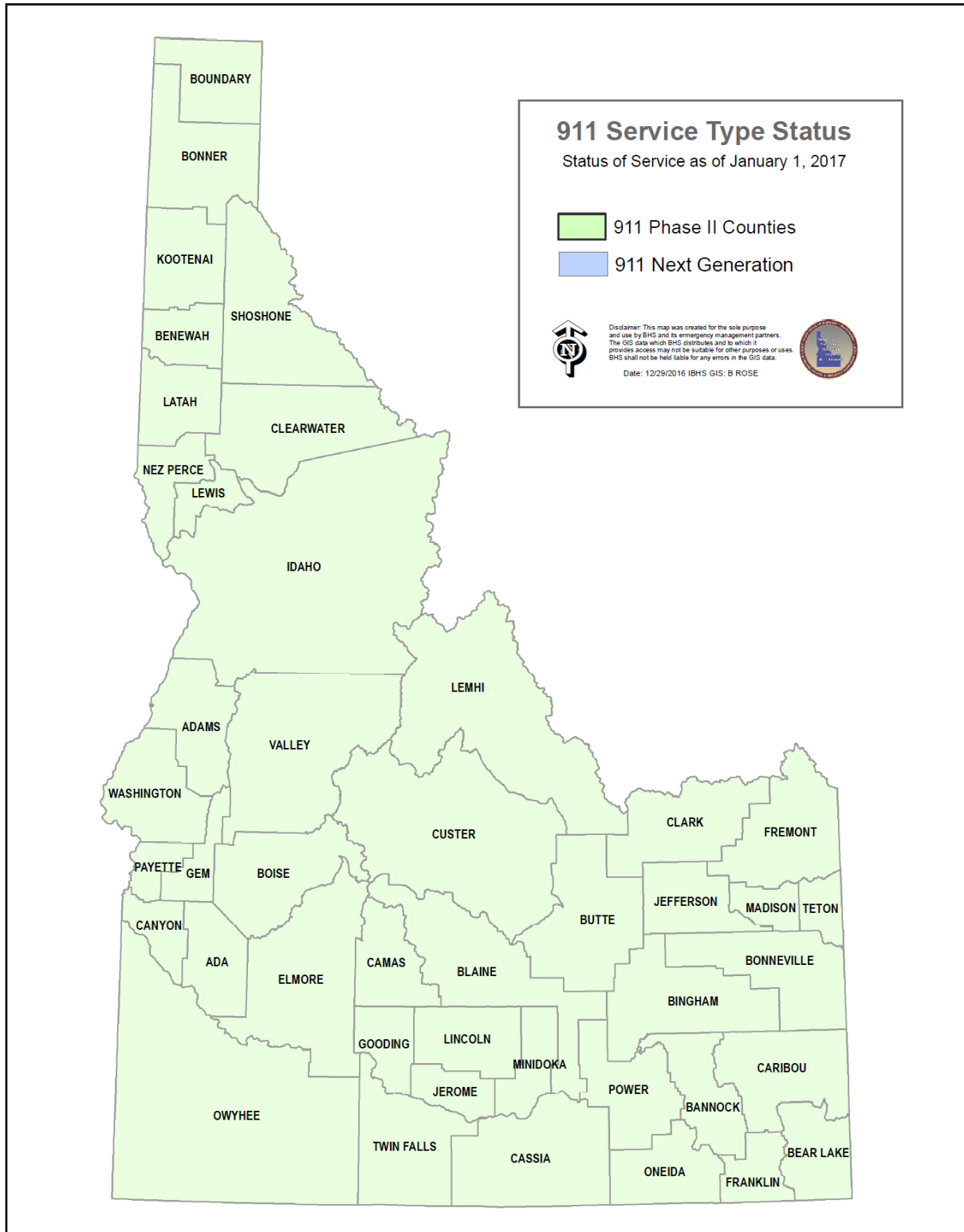


Appendix E

2016 Status of 9-1-1 Service Map

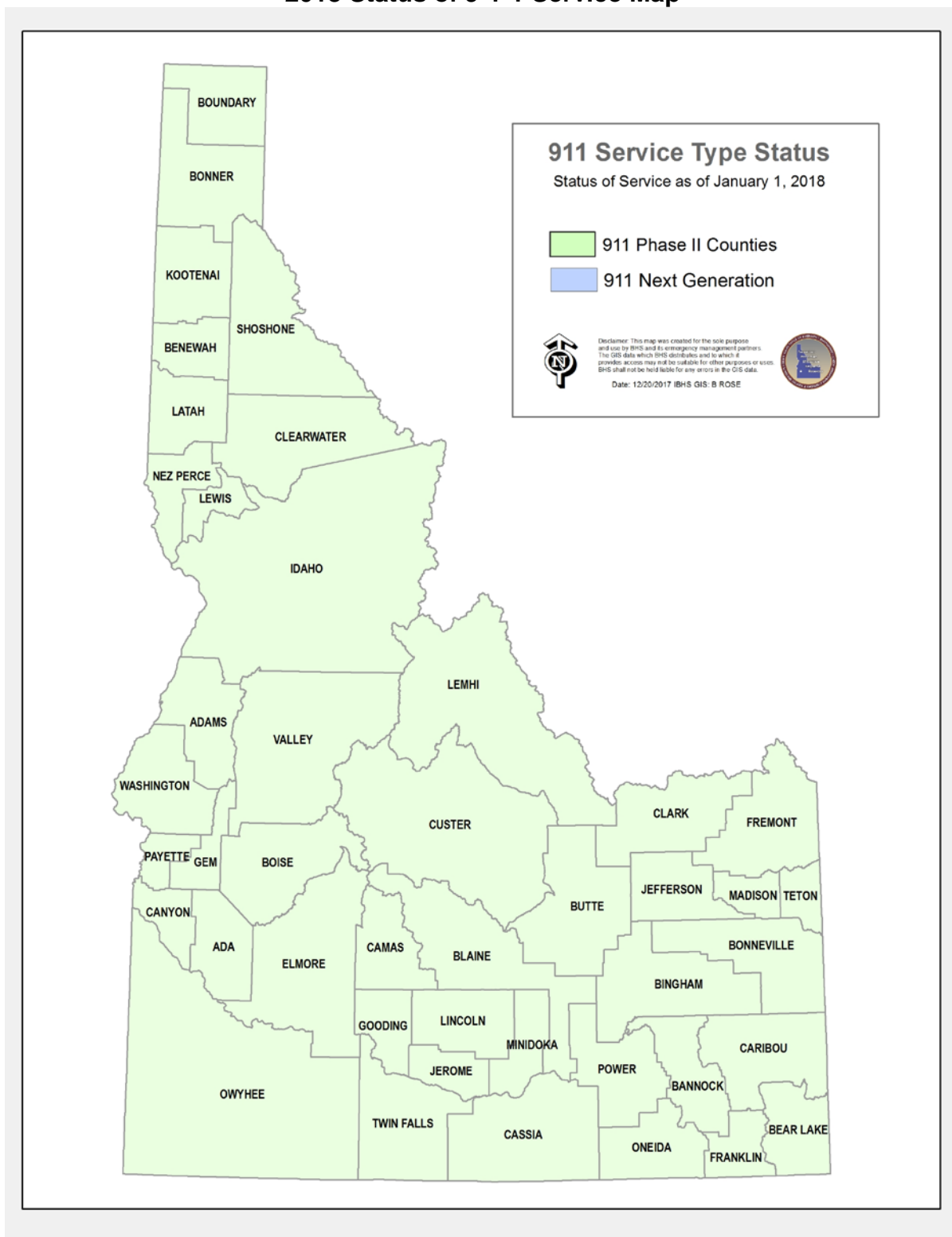


Appendix F 2017 Status of 9-1-1 Service Map



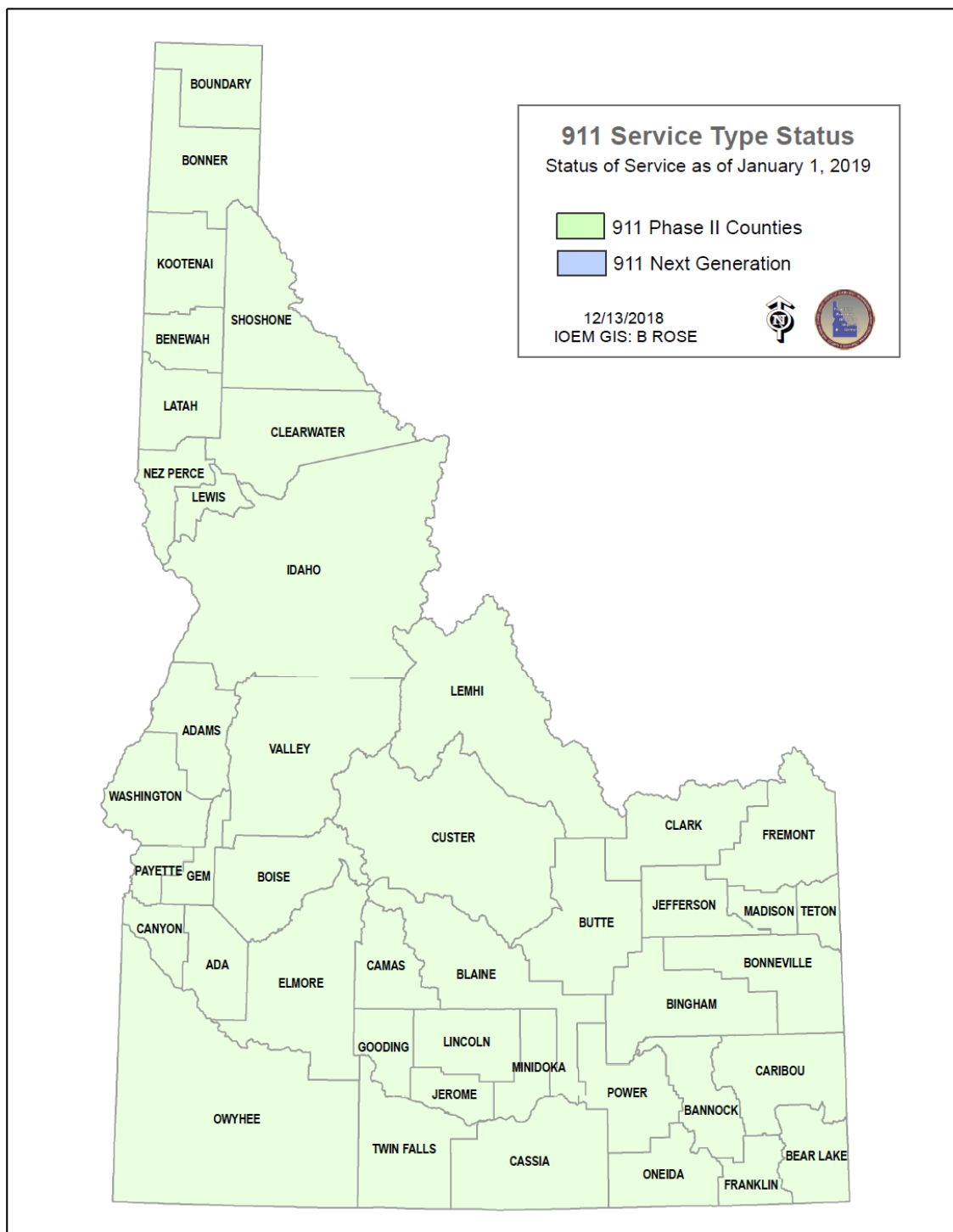
Appendix G

2018 Status of 9-1-1 Service Map



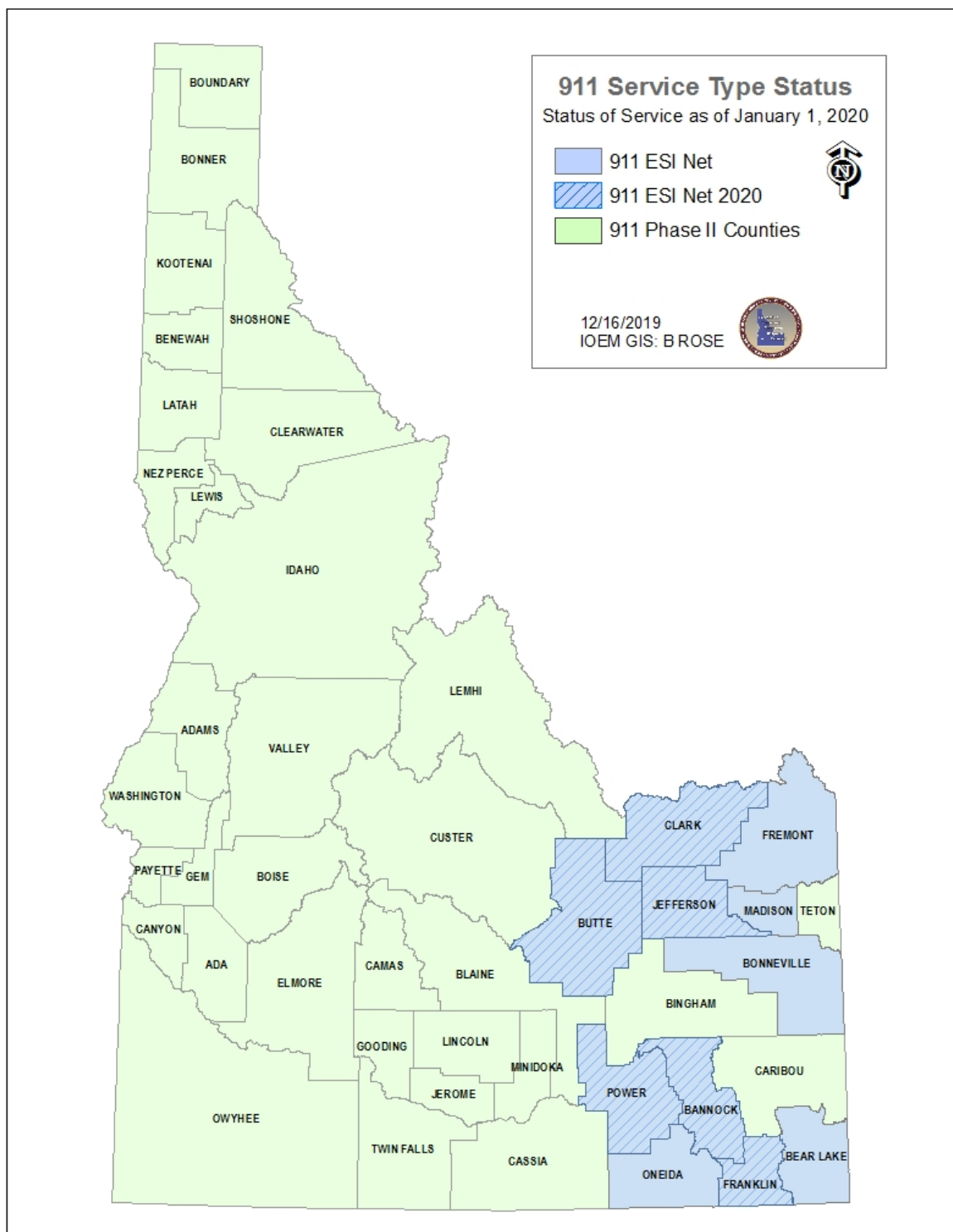
Appendix H

2019 Status of 9-1-1 Service Map



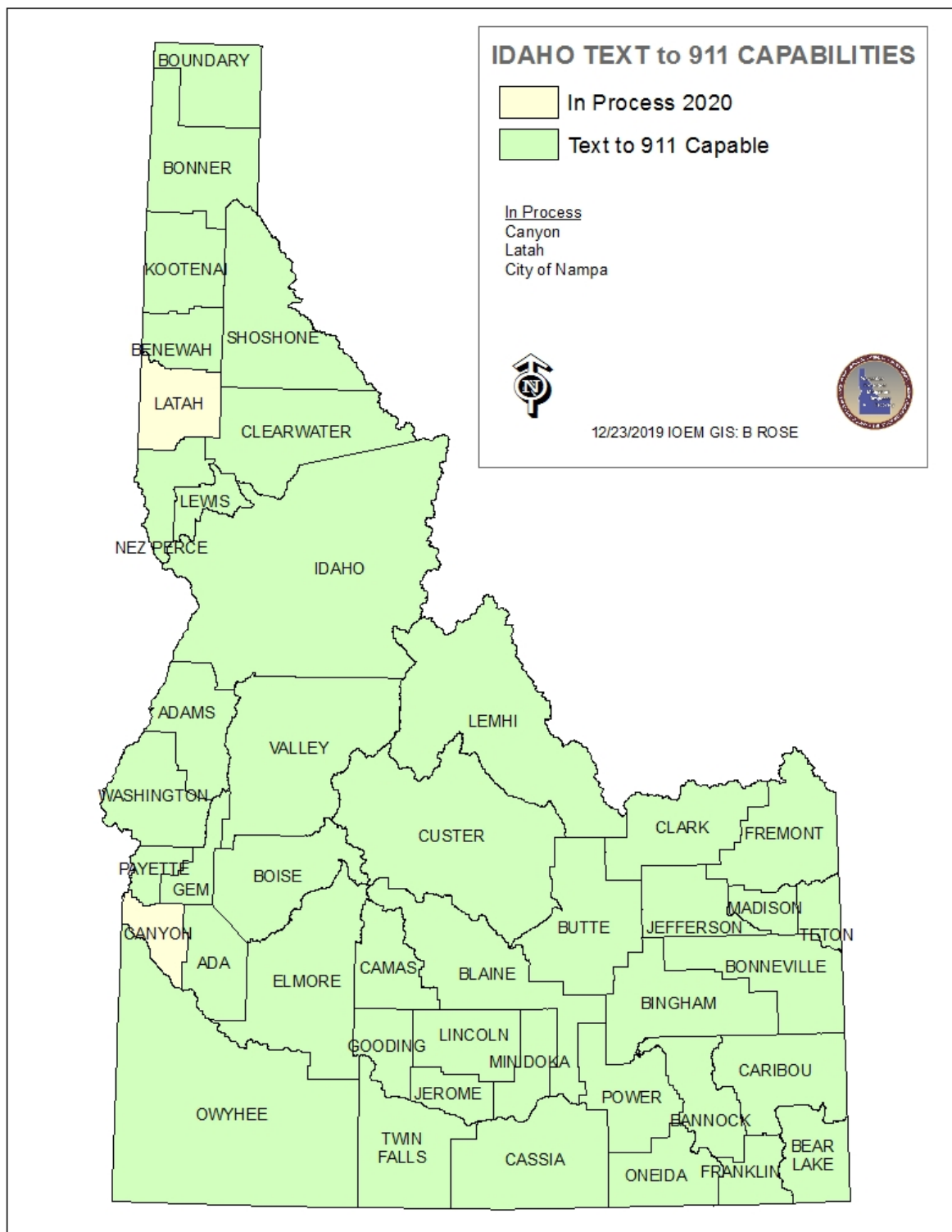
Appendix I

2020 Status of 9-1-1 Service Map



Appendix J

Text to 911 Status Map



Appendix K

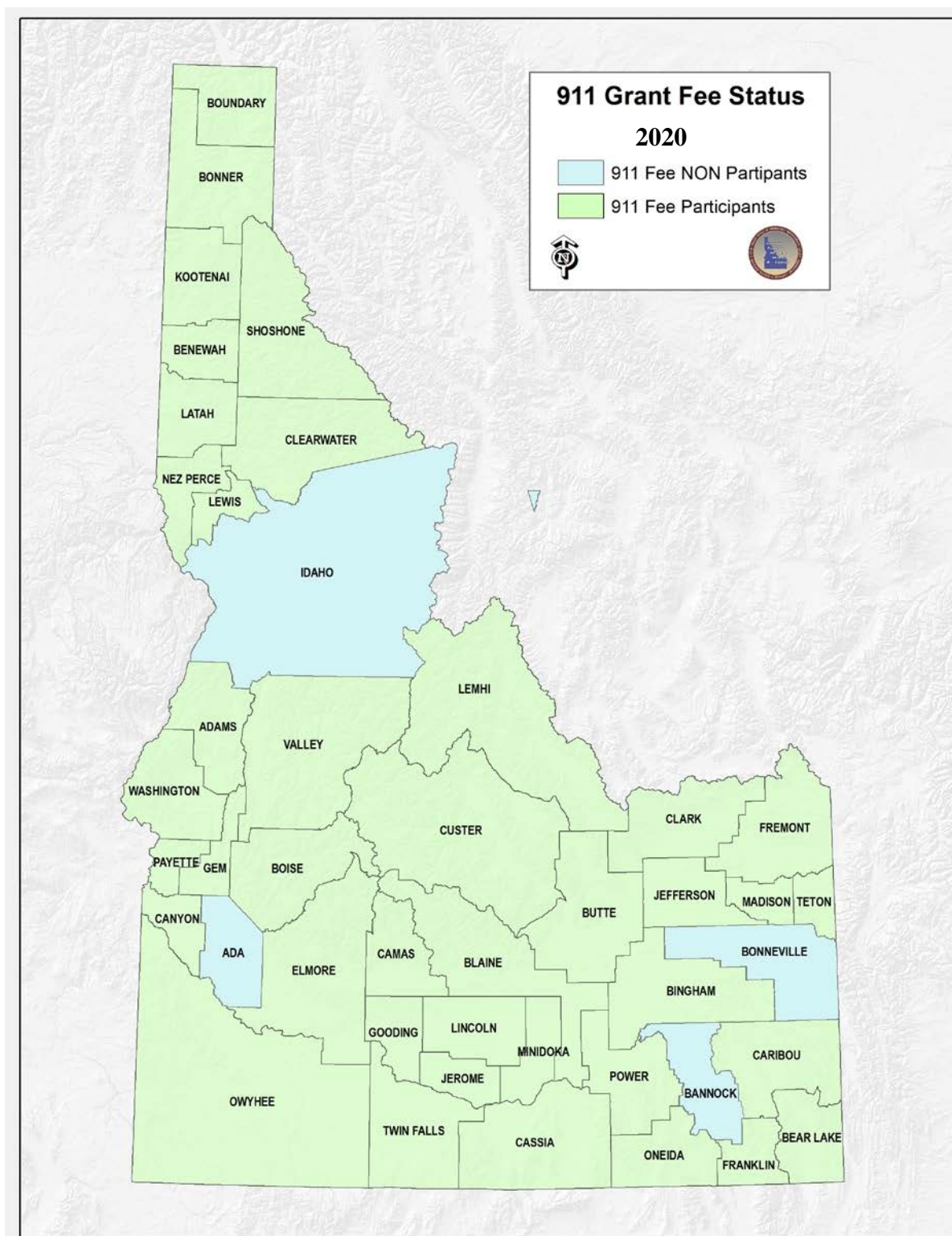
List of Counties Adopting the Enhanced Grant Fee

In order to collect the Grant Fee, each Board of County Commissioners must pass a resolution to begin collecting the Grant Fee. We will update this website each time the Commission is informed that a county has passed a resolution adopting the Grant Fee.

<u>Counties</u>	<u>Date of Resolution</u>	<u>Effective Date</u>
Adams	06/23/08	07/01/08
Bear Lake	08/04/08	09/01/08
Benewah	06/30/08	07/01/08
Bingham	06/18/08	07/01/08
Blaine	09/18/17	10/01/17
Boise	06/16/08	07/01/08
Bonner	06/24/08	07/01/08
Boundary	12/23/08	02/01/09
Butte	09/22/08	12/01/08
Camas	02/09/09	04/01/09
Canyon	06/25/08	07/01/08
Caribou	06/23/08	07/01/08
Cassia	06/23/08	07/01/08
Clark	06/09/08	07/01/08
Clear Water	07/18/11	09/01/11
Custer	12/22/08	02/01/09
Elmore	06/23/08	07/01/08
Franklin	06/23/08	07/01/08
Fremont	06/16/08	07/01/08
Gem	05/20/13	07/01/13
Gooding	07/28/08	09/01/08
Jerome	09/15/08	11/01/08
Jefferson	06/23/08	07/01/08
Kootenai	07/15/08	08/01/08
Latah	06/18/08	09/01/08
Lemhi	10/27/10	01/01/11
Lewis	12/01/08	01/01/09
Lincoln	11/10/08	01/01/09
Madison	02/23/09	04/01/09
Minidoka	06/23/08	07/01/08
Nez Perce	07/07/08	08/01/08
Oneida	06/24/08	08/01/08
Owyhee	06/16/08	07/01/08
Payette	06/30/08	07/01/08
Power	06/23/09	07/01/08
Shoshone	6/25/08	7/01/08
Teton	8/25/08	10/01/08
Twin Falls	6/25/08	7/01/08
Valley	6/09/08	7/01/08
Washington	09/11/13	11/01/13

Appendix L

Enhanced Grant Fee Status Map



Appendix M

Legislative Authority

After almost 20 years since the original enactment of the Emergency Communications Act, there is still an increasing need in many Idaho communities. In amendments to the Act in 2004, 2007, 2008 and again in 2016, the Legislature found:

- (a) Since the original enactment of the emergency communications act in 1988, many of Idaho's communities have found that they are lacking in the resources to fully fund emergency communications systems at the local level;
- (b) Changes in technology and the rapid growth of communications media have demonstrated that financing such systems solely by a line charge on subscribers to wireline services does not reflect utilization of emergency communications systems by subscribers to wireless and other forms of communications systems;
- (c) There is a need to enhance funding for the initiation and enhancement of consolidated emergency communications systems throughout the state;
- (d) Utilization of cellular telephones and voice over internet protocol (VoIP) communications to access emergency communications systems has substantially increased citizen access to emergency services while at the same time increasing demands upon the emergency response system;
- (e) In order to protect and promote the public health and safety, and to keep pace with advances in telecommunications technology and the various choices of telecommunications technology available to the public, there is a need to plan and develop a statewide coordinated policy and program to ensure that enhanced 911 services, next generation 911 services, and future and emerging public safety technologies are available to all citizens of the state and people in all areas of the state.

(2) Therefore, it is hereby declared that the intent and purpose of the provisions of this act are to:

- (a) Provide authority to counties and 911 service areas to impose an emergency communications fee on the use of telephone lines, wireless, VoIP or other communications services that connect an

individual or entity dialing or accessing 911 to an established public safety answering point;

(b) Provide that the emergency communications fee in section 31-4803, Idaho Code, shall be exclusively utilized by the counties or 911 service areas electing to impose it to finance the initiation, maintenance, operation, enhancement and governance of consolidated emergency systems as well as enhanced consolidated emergency systems or next generation consolidated emergency systems;

(c) Provide for the agreed-to reimbursement to telecommunications providers for their implementation of enhanced consolidated emergency communications systems by counties or 911 service areas that have implemented enhanced consolidated emergency communications systems;

(d) Create the Idaho Public Safety Communications Commission that will have the duty to provide the governance structure through which public safety communications stakeholders can collaborate to advance consistency and common objectives, to provide integrated facilitation and coordination for cross-jurisdictional consensus building, to assist in the standardization of agreements for sharing resources among jurisdictions with emergency response communications infrastructure, to suggest best practices, performance measures and performance evaluation in the integrated statewide strategic planning and implementation of interoperability among public safety communications professionals and entities that serve people in Idaho regardless of jurisdiction, to manage the Idaho public safety interoperable communications and data systems fund as established by section 31-4820, Idaho Code, and to pursue budget authorizations as set forth in this chapter.

Idaho Code § 31-4801 (2016).

With these directives from the Legislature, the Commission has continued to strive to fulfill its purpose and responsibilities as prescribed in Idaho Code § 31-4816. These are to:

- (1) Determine the status and operability of consolidated emergency communications systems and interoperable public safety communications and data systems statewide;
- (2) Determine the needs for the upgrade of consolidated emergency communications systems and interoperable public safety communications and data systems;

- (3) Determine the costs for the upgrades;
- (4) Recommend guidelines and standards for operation of consolidated emergency communications systems and interoperable public safety communications and data systems;
- (5) Recommend funding mechanisms for future implementation of upgrades;
- (6) Serve as a conduit for the future allocation of federal grant funds to support the delivery of consolidated emergency communications systems and interoperable public safety communications and data systems;
- (7) Serve as the statewide interoperability executive committee (SIEC) for issues related to public safety communications and data communication. Such issues may involve the federal communications commission, national telecommunications information administration and first responder network authority;
- (8) Perform an annual review of the statewide communications interoperability plan and provide the statewide interoperability coordinator with guidance to improve operational and interoperable communications in the state;
- (9) Designate working groups or subcommittees as appropriate, which may include consolidated emergency communications, information technology, cross-jurisdictional relations with Native American tribes, interoperable public safety communications and data systems, the national public safety broadband network or future technologies, and others as deemed necessary by the commission;
- (10) Report annually to the legislature of the state of Idaho on the planned expenditures for the next fiscal year, the collected revenues and moneys disbursed from the fund and programs or projects in progress, completed or anticipated;
- (11) Enter into contracts with experts, agents, employees or consultants as may be necessary to carry out the purposes of this chapter;
- (12) Assist public safety communications stakeholders in the establishment of consolidated emergency communications systems and public safety communications and data systems, and to provide the governance structure through which public safety communications stakeholders can collaborate to advance consistency and common objectives;
- (13) Provide integrated facilitation and coordination for cross-jurisdictional consensus building;

- (14) Assist in the standardization of agreements for sharing resources among jurisdictions with emergency response communications infrastructure;
- (15) Suggest best practices, performance measures and performance evaluation in the integrated statewide strategic planning and implementation of interoperability;
- (16) Manage funds as authorized by this chapter;
- (17) Pursue budget authorizations for interoperable public safety communications and data systems; and
- (18) Promulgate rules pursuant to the provisions of chapter 52, title 67, Idaho Code, to carry out the purposes of the commission's duties.

Idaho Code § 31-4816 (2016).

In 2008 the Enhanced Emergency Communications Grant Fee was enacted to help fund E9-1-1, Wireless Phase I and II, and Next Generation 9-1-1 throughout Idaho.

§31-4819 Enhanced Emergency Communications Grant Fee

(1) On and after July 1, 2013, there shall be an enhanced emergency communications grant fee established by virtue of authority granted by this chapter. The fee shall be twenty-five cents (25¢) per month per access or interconnected VoIP service line.

- (a) Such fee shall be authorized by resolution of a majority vote of the board of commissioners of a countywide system or by the governing board of a 911 service area.
- (b) Such fee shall be remitted to the Idaho emergency communications fund provided in section 31-4818

(1) Idaho Code, on a quarterly basis by county, city or consolidated emergency communications systems. Annually, at the discretion of the commission, a budget shall be prepared allocating a portion of the available grant funds for administration of the grant program. The remaining grant funds shall be dedicated for and shall be authorized for disbursement as grants to eligible entities that are operating consolidated emergency communications systems for use to achieve the purposes of this chapter. Grant funds shall coincide with the strategic goals as identified by the commission in its annual report to the legislature. Grant funds may also be budgeted for and utilized for the establishment of next generation consolidated emergency systems (NG911) within the state.

(2) The commission, on an annual basis, shall prepare a budget allocating the grant funds available to eligible entities and the portion of the funds necessary for the continuous operation of the commission to achieve the purposes of this chapter.

(3) To be eligible for grant funds under this chapter, a county or 911 service area must be collecting the emergency communications fee in accordance with section 31-4804, Idaho Code, in the full amount authorized and must also be collecting the enhanced emergency communications grant fee in the full amount authorized in this subsection.

(4) If a county or 911 service area has authorized the collection of the enhanced emergency communications grant fee pursuant to this chapter, such county or 911 service area shall retain the full amount of the emergency communications fee that was set by the board of commissioners or governing board pursuant to section 31-4803, Idaho Code. The county or 911 service area is then also exempt from remitting to the Idaho public safety communications commission one percent (1%) of the total emergency communications fee received by the county or 911 service area as required in section 31-4818(3), Idaho Code. The remaining funds from the enhanced emergency communications grant fee collected shall then be remitted by the county or 911 service area to the Idaho public safety communications commission.

Idaho Code § 31-4819 (2016).

Appendix N

Example of 911 Fee Collection Differences with Proposed Change With 1000 Subscribers in County

	Fee Collected Currently		Fee Collected Under Change	
Subscribers		1000		1000
Current Fee	\$	1.00	\$	1.00
New Fee				0.25
Total Fee	\$	1.00	\$	1.25
Collected by Provider	\$	1,000.00	\$	1,250.00
Provider administration cost	\$	10.00	\$	12.50
Amount sent to County	\$	990.00	\$	1,237.50
Amount Retained for Use by County	\$	980.10	\$	1,000.00
Amount sent to IPSCC		1% of \$990.00	Amount Rec'd Less Amt of Fee	
	\$	9.90	\$	237.50
Available for Grant Pool to Counties		-----		227.60
Amount for IPSCC Administration – 1%			\$	9.90

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Monday, March 02, 2020

SUBJECT	DESCRIPTION	PRESENTER
<u>RS27831</u>	RELATING TO FIREARMS to allow school employees to maintain a concealed weapon on school property under the provisions outlined in this bill.	Senator Lakey
<u>RS27868</u>	RELATING TO ABORTION to add a new section to Chapter 6, Title 18, Idaho Code.	Senator Lakey
<u>RS27870</u>	RELATING TO DAYLIGHT SAVING TIME to provide that daylight saving time would be permanent within the state under certain circumstances.	Senator Patrick
<u>RS27897</u>	RELATING TO VITAL STATISTICS to add a new section to Idaho Code for changing the sex indicator on a birth certificate.	Senator Martin
<u>H 502</u>	RELATING TO WINE AND BEER to remove a requirement for "native grown product" and to define amounts of beer to be produced at home.	Senator Johnson
<u>S 1365</u>	RELATING TO ALCOHOL to revise provisions regarding alcohol content of beer.	Senator Crabtree
<u>S 1363</u>	RELATING TO THE IDAHO ADMINISTRATIVE PROCEDURE ACT to establish an independent Office of Administrative Hearings.	Senator Burgoyne

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge	Sen Anthon
Vice Chairman Harris	Sen Souza
Sen Hill	Sen Stennett
Sen Winder	Sen Buckner-Webb
Sen Vick	

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, March 02, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and Buckner-Webb

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:00 a.m.

RS 27831 RELATING TO FIREARMS to allow school employees to maintain a concealed weapon on school property under the provisions outlined in this bill.

Senator Lakey, District 12, stated that **RS 27831** is a straightforward bill allowing school employees with an enhanced concealed weapons license to carry a concealed weapon on school property. He explained it requires the school employee to keep their firearm under their direct control at all times, i.e. on their person and concealed in their clothing. **Senator Lakey** added that school employees wishing to carry a firearm must provide a confidential copy of their enhanced license to school officials who can then share the information with the school board and law enforcement. He pointed out that a teacher cannot be forced to carry and has no duty to carry or use the firearm.

MOTION: **Senator Anthon** moved to send **RS 27831** to print. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

RS 27868 RELATING TO ABORTION to add a new section to Chapter 6, Title 18, Idaho Code.

Senator Lakey, District 12, informed the Committee that **RS 27868** establishes a code provision that becomes effective upon a decision by the U. S. Supreme Court or an amendment to the United States Constitution returning authority to the states to prohibit abortion. He noted that at that time the statute would:

- provide that performing an abortion would be a crime for the person performing the abortion, not the pregnant woman receiving the abortion, and
- provide affirmative defenses for the life of the woman, or for rape and incest which require documentation.

MOTION: **Senator Harris** moved to send **RS 27868** to print. **Senator Vick** seconded the motion. The motion carried by **voice vote**. **Senator Stennett** and **Senator Buckner-Webb** were recorded as voting nay.

RS 27870 RELATING TO DAYLIGHT SAVING TIME to provide that Daylight Saving Time would be permanent within the state under certain circumstances.

Senator Patrick District 25, advised the Committee that **RS 27870** deals with daylight saving time and the Mountain time zone. He explained that surrounding states with which Idaho engages in business, as well as northern Idaho, are working toward legislation to stay on daylight saving time. **Senator Patrick** pointed out that if those states passed their legislation, Idaho would be the only one changing times.

MOTION: **Senator Vick** moved to send **RS 27870** to print. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

Chairwoman Lodge announced that **RS 27897** would be moved to the end of the agenda.

H 502 **RELATING TO WINE AND BEER** to remove a requirement for "native grown product" and to define amounts of beer to be produced at home.

Senator Johnson, District 6, stated that **H 502** makes corrections to Idaho Code § 23-501. He explained that this law originally referred to natural wine and native products that did not include beer. Beer was added later for home brewing.

Senator Johnson explained that this legislation removes the requirement for native materials as home brewers may be using products that are not considered native products. He noted that the bill also sets forth limitations on production to align with federal rules.

MOTION: **Senator Anthon** moved to send **H 502** to the floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

S 1365 **RELATING TO ALCOHOL** to revise provisions regarding alcohol content of beer.

Senator Crabtree, District 7, presented **S 1365** explaining that the bill changes the measurement of beer from weight to volume, and changes distribution of tax money from the Idaho Grape Growers and Wine Producers Commission (Commission) to the General Fund. He added that the tax change would be phased in over a three-year period.

Discussion ensued amongst Senator Crabtree and Committee members regarding weight vs. volume, the percentage of alcohol in beer and at what level it is taxed the same as wine, and the use of the tax money that has gone into the Commission's funds.

TESTIMONY: **David Arkoosh**, Executive Director, Idaho Beer Alliance (IBA), spoke in opposition to **S 1365** as it is premature. He pointed out that there is no better use for the money and it is taking away from the Commission. He reviewed several concerns such as the amount of money is not significant to the General Fund but is enough for the Commission to hire more staff. Also, there is not other place for the money to go and the beer industry does get some benefits from the Commission.**Mr. Arkoosh** provided the history about this bill and stated they have not heard from a single brewery about moving the money. He stated the IBA request the Committee hold the bill until more work can be done. Discussion continued among Mr. Arkoosh and members of the Committee regarding the current status of beer including the alcohol content in beer, the ways the Commission has helped the beer industry, and the number of breweries involved in the IBA.

The following spoke in support of **S 1365**:

- Jerry Larson, Mansweet Brewing, member of IBA and Idaho Brewers Association
- Daniel Love, President of Idaho Brewers Union (IBU)
- Sheila Francis, Executive Director, IBA
- Jeremy Pisca, Idaho Beer and Wine Distributors (IGW)
- Roger Batt, Idaho Grape and Wine Commission

The following reasons to support **S 1365** included an explanation about the percentage of the alcohol content in various types of beer, it clarifies the use of tax money to promote beer and wine, the language eliminates the overlapping and conflicting provisions of the statute, and the bill clarifies statute in separating beer from wine.

MOTION: **Senator Souza** moved to send **S 1365** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion.

DISCUSSION: **Senator Anthon** expressed concern regarding the industry conflict, as well as problems inside the code needing corrections. **Chairwoman Lodge** commented she was concerned about the change in funding, but she was confident that the industry will be able to work through the issues.

VOICE VOTE: The motion to send **S 1365** to the floor with a **do pass** recommendation carried by **voice vote**.

S 1363 **RELATING TO THE IDAHO ADMINISTRATIVE PROCEDURE ACT** to establish an independent Office of Administrative Hearings.

Senator Burgoyne, District 16, explained the amendments which would enable the Department of Health and Welfare (Department) to comply with this legislation. **Senator Burgoyne** pointed out that most of the changes were minor, except on page 12 where provisions were made to accommodate the Department's needs. He explained the transition timing in which the Office of Administrative Hearings is to commence conducting department-contested case hearings. **Senator Burgoyne** advised the Committee that the Personnel Commission is not covered by this legislation. He asked that **S 1363** be sent to the 14th Order of Business.

Senator Anthon indicated one of the concerns for this kind of a change in Idaho is that we may lose federal funding. **Senator Burgoyne** replied that the amendments should resolve that issue.

TESTIMONY: **Brian Kane**, Attorney General's Office (AGO), stated the AGO has been working with Senator Burgoyne, but AGO still has two issues on which they disagree. He advised that the first issue is excluding any attorney currently working for the State from being considered as the chief administrative hearing officer. **Mr. Kane** explained why experienced people should be considered. **Mr. Kane** noted that the second issue is that hard deadlines are set. He asserted that the advisory council that has been set up to help organize the Office of Administrative Hearings could efficiently manage the details of the transition without hard deadlines.

Discussion continued among **Mr. Kane**, **Senator Stennett**, **Senator Souza**, and **Senator Burgoyne** regarding the following the exclusion of attorneys currently working for the State, whether the exclusion is a transparency or conflict of interest issue, using a segment of the current agency to establish the new agency, and the responsibilities of the Governor and the advisory council.

MOTION: **Vice Chairman Harris** moved to send **S 1363** to the 14th Order of Business for possible amendment. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

RS 27897 **RELATING TO VITAL STATISTICS** to add a new section to Idaho Code to provide for changing the sex indicator on a birth certificate.

Senator Martin, District 15, reminded the Committee that two years ago there was a ruling against the State in respect to birth certificates and the gender marker. He noted that at this time all states are complying with the ruling. The Attorney General's opinion is that **RS 27897** complies with court opinions addressing the rights of transgender people and the equal protection clause of the 14th amendment. **Senator Martin** gave an explanation of **H 509** regarding this issue which is also being presented this session.

DISCUSSION: A discussion ensued among **Senators Martin**, **Souza**, and **Stennett** regarding age restrictions on requesting a gender marker change, the processes involved in having both a house bill and a senate bill addressing the same issue concurrently, and having **RS 27897** printed for public perusal.

MOTION: **Senator Hill** moved to send **RS 27897** to print. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 9:27 a.m.

Senator Lodge, Chair

Twyla Melton, Secretary

Carol Cornwall
Assistant Secretary

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Wednesday, March 04, 2020

SUBJECT	DESCRIPTION	PRESENTER
<u>RS27898</u>	UNANIMOUS CONSENT REQUEST for a Concurrent Resolution from the Resources and Environment Committee regarding flows on the Lemhi River.	Senator Brackett
<u>H 413</u>	RELATING TO THE ELECTION OF CITY COUNCILMEN to elect city councilmen by districts in certain cities.	Senator Winder
<u>H 515</u>	RELATING TO THE IDAHO PATIENT ACT (IPACT) to create a new chapter to correct certain gaps in law related to the healthcare marketplace.	Senator Anthon

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge	Sen Anthon
Vice Chairman Harris	Sen Souza
Sen Hill	Sen Stennett
Sen Winder	Sen Buckner-Webb
Sen Vick	

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email: ssaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, March 04, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and Buckner-Webb.

ABSENT/ EXCUSED: None.

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Vice Chairman Harris** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:00 a.m.

RS 27898 **UNANIMOUS CONSENT REQUEST** for a Concurrent Resolution from the Resources and Environment Committee regarding flows on the Lemhi River.

Senator Brackett, District 23, presented **RS 27898**, which directs the Idaho Water Resources Board and the Idaho Department of Water Resources to work with local water users resolving issues related to the use of high flows on the Lemhi River.

MOTION: **Senator Hill** moved to send **RS 27898** to print. **Senator Anthon** seconded the motion. The motion passed by **voice vote**.

H 413 **RELATING TO THE ELECTION OF CITY COUNCILMEN** to elect city councilmen by districts in certain cities.

Senator Winder stated that this legislation is relevant to all cities above 100,000 people throughout Idaho and will allow election of city councilmen by districts in certain cities. He explained that Idaho Code from 1984 allows cities to have district elections, yet that has not been acted on. He said this is an issue that the elector wanted city councils to consider and that this is a constitutional way to go forward as cities continue to grow. He declared this will affect three major cities in Idaho.

DISCUSSION: **Senator Stennett** said **H 413** only pertains to one city at this time and asked if it would be appropriate to wait until the next census. **Senator Winder** said he thinks there was a hope back in 1984 for cities to deal with this issue. He said that since they are in the middle of a census, it will allow for more time to set up for the next one and for the other cities to be brought in. **Senator Stennett** expressed a concern that the elections would be held every four years instead of two. **Senator Winder** said that state legislatures are voted on by districts, and asked why shouldn't city council members be voted on by districts as well.

Senator Souza related the discussion to school board zoning and asked if the goal was to create a more centralized voice for specific areas in larger cities. **Senator Winder** said yes, this will help sprawled communities feel less disenfranchised.

Representative Palmer said that in his experience, people want to know which city council seat represents them specifically.

TESTIMONY: **Jamye Sullivan**, Boise City Attorney, spoke in opposition and said the City of Boise is working on a local option to address the concerns heard today. She believes this takes away the local communities' ability to address a solution that is best for themselves. She argued that initiatives are a way for citizens to have their voice

heard directly. In response to Senator Stennett, she said they will poll the community and find out if more people are interested in voicing their opinion and that they need time to do that. **Lisa Sanchez**, Boise City Council (Council), spoke in opposition and said she represented herself and believed **H 413** would limit who sits on the council and promote a lack of diversity in council members.

TESTIMONY: **Richard Smith; Karen Danley; George Moses; Angie Redford; Dave Kangus; Erica Scofield;** and **Richard Welenima** testified in favor of **H 413**. They expressed their belief that the bill would improve the representation of outlying city sprawl and improve the lack of localized representation in larger cities.

DISCUSSION: **Senator Winder** stated when the census is completed, it is going to impact three cities and it will be two years before there is another election which allows time to plan ahead. He addressed Councilwoman Sanchez, stating that he thinks it would be easier for them to get elected because they can focus on their district but still help people all over the State of Idaho.

MOTION: **Vice Chairman Harris** moved to send **H 413** to the floor with a **do pass** recommendation. **Senator Vick** seconded the motion.

DISCUSSION: **Senator Stennett** said she preferred to see what the census would say and poll people who are interested. She believed time is necessary for more study and would not be supporting the motion.

VOICE VOTE: The motion carried by **voice vote**. **Senators Stennett** and **Buckner-Webb** asked to be recorded as voting nay.

H 515 **RELATING TO THE IDAHO PATIENT ACT (IPACT)** to create a new chapter to correct certain gaps in law related to the healthcare marketplace.

Senator Anthon stated **H 515** addresses a problem many Idahoans struggle with which is aggressive and unscrupulous medical debt collection. He read a letter from Dorothy Denison regarding her family's experience with medical debt collection. **Senator Anthon** said this is not an isolated incident. He said **H 515** will consolidate medical bills and make them available more quickly to patients. He asked that patients be given a fair chance to pay their bills.

Katheryn Hart, Associate General Counsel of Government Relations, Melaleuca, said that IPACT is an Idaho collections bill. The bill does not provide for oversight from state government. **H 515** is designed as a collections bill, and affects the rules of engagement from health care providers whose intent is to engage in extraordinary collection actions. This includes reporting someone to a credit bureau on adverse credit reports, or sending someone to collections within 60 days of issuing a bill.

Ms. Hart explained that the first step in the IPACT is after a visit to a health care facility (HCF) or doctor, all contractors and care providers will consolidate their bills and send them to the insurance company within 45 days. She said this does not mean the bill has to be resolved but that the process has to be started within that time. Within 60 days of leaving a hospital or HCF, providers must provide a statement called the consolidated summary of services, which is a list of all the care providers involved in the care and who will send a separate bill. She said this is important because most Idahoans do not realize there are many people involved in a patient's care that aren't employees of the hospital. She explained that independent contract providers will submit their own charges to insurance and they will send separate bills; those bills are not streamlined. She also discussed what goes on in the collection procedures and that the fee-shifting ability of what the patient pays will be limited to \$350 and \$750 for a contested case. She stated that hospitals who inform their clients have received a 27 percent increase in payables received.

DISCUSSION: **Senator Souza** shared a story of how confusing it is to receive a billing from an unknown contractor a year after a hospital visit occurs. She asked if they have gotten feedback from general providers. **Ms. Hart** said that they had very little negative feedback, and received little push back from the industry.

In response to Senator Hill, **Ms. Hart** said the fee-shifting limitation to the patient should be a \$350 default reward from the courts, and \$750 if it is a contested case. In response to Senator Vick, **Ms. Hart** said fees will be shifted over time but the amount paid is going to be factored into the agreement between the doctor, the debt collector, and the attorneys.

TESTIMONY: **Shawn Bonney; Sky Ipsen; Rich Fairbanks; and Carma Farar**, Advantage Financial, testified in opposition to **H 515**. They expressed the following arguments: this bill shifts costs of overdue medical bills back to the providers; extends the time health care providers receive payment for their services; limits the cost and fees that a medical provider can recover in a legal action; small claims courts may not be able to provide the best service because they only process one claim at a time; and the cost of filing the suit should be recoverable. In addition to the \$350 limited fee shift, which would continue to allow collection agencies access to the courts.

TESTIMONY: **Vinetta Orcutt**, Idaho Collectors Association; **Dr. Mathew Larson**, Chairman of Psychiatry, Eastern Idaho Regional Medical Center; **Carlos Hernandez; Deana Young; Alex Warner**, Idaho Medical Debt Project; and **Kim Blough** testified in favor of **H 515**. They shared their personal stories and requested the Committee consider the following: that medical debts were not consolidated for ease of payment; medical debts are abrupt and untimely; the industry is aggressive in its collection; and there are costs that collectors need to pay up-front in order to recover justly incurred debt. A trailer bill should be considered that will allow those costs to be recuperated.

DISCUSSION: **Senator Anthon** concluded that there is a problem affecting everyday Idahoans who are willing to pay their bills but are caught in a process that ends up costing them much more than the underlying debt that they dealt with primarily. He said this is a bill about transparency in the billing process, and a policy question: who will bear the burden of that collection going forward? He acknowledged that attorneys will not go to small claims court because it is not lucrative and he witnessed creditors who have used small claims courts effectively. He made the argument that it is the creditors choice whether they want to go to magistrate court or not. The question is how much cost are you going to put on the patient.

MOTION: **Vice Chairman Harris** moved to send **H 515** to the floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 10:18 a.m.

Senator Lodge, Chair

Twyla Melton, Secretary

Bryce DeLay
Assistant to the Secretary

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Friday, March 06, 2020

SUBJECT	DESCRIPTION	PRESENTER
MINUTES APPROVAL:	Minutes of February 3, 2020	Senator Vick and Senator Buckner-Webb
	Minutes of February 19, 2020	Senator Hill and Senator Anthon
	Minutes of February 14, 2020	Senator Vick and Senator Souza
	Minutes of February 10, 2020	Senator Anthon and Senator Harris
<u>RS27924</u>	UNANIMOUS CONSENT REQUEST from the Senate Transportation Committee relating to motorist's responsibilities at a railroad crossing.	Senator Brackett
<u>RS27912</u>	RELATING TO THE ANTI-BOYCOTT AGAINST ISRAEL to prohibit a public entity from entering into certain contracts that boycott Israel.	Senator Winder
<u>H 500</u>	RELATING TO FAIRNESS IN WOMEN'S SPORTS ACT	Senator Souza

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge	Sen Anthon
Vice Chairman Harris	Sen Souza
Sen Hill	Sen Stennett
Sen Winder	Sen Buckner-Webb
Sen Vick	

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, March 06, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and Buckner-Webb

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Vice Chairman Harris** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:04 a.m.

MINUTES APPROVAL: **Senator Buckner-Webb** moved to approve the Minutes of February 3, 2020. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

Senator Hill moved to approve the Minutes of February 19, 2020. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

Senator Souza moved to approve the Minutes of February 14, 2020. **Senator Hill** seconded the motion. The motion carried by **voice vote**.

Senator Anthon moved to approve the Minutes of February 10, 2020. **Senator Hill** seconded the motion. The motion carried by **voice vote**.

RS 27924 **UNANIMOUS CONSENT REQUEST** from the Senate Transportation Committee relating to motorist's responsibilities at a railroad crossing.

Vice Chairman Harris announced that he had received a unanimous consent request from Senator Brackett, Chairman of the Senate Transportation Committee, to print **RS 27924**, relating to a motorist's responsibilities at a railroad crossing.

MOTION: **Senator Stennett** moved to send **RS 27924** to print. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

RS 27912 **RELATING TO THE ANTI-BOYCOTT AGAINST ISRAEL** to prohibit a public entity from entering into certain contracts that boycott Israel.

Senator Winder explained that **RS 27912** relates to the anti-boycott against Israel, to prohibit a public entity from entering into certain contracts that boycott Israel. It prohibits anyone with a contract over \$100,000 in the State of Idaho to agree to not provide any kind of a boycott against Israel. **Senator Winder** stated that this legislation was brought by the local Jewish community. **Senator Stennett** asked if this type of protection is provided for any other country. **Senator Winder** said he would have to do some research regarding that.

MOTION: **Senator Hill** moved to send **RS 27912** to print. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Vice Chairman Harris passed the gavel to Chairwoman Lodge.

RELATING TO FAIRNESS IN WOMEN'S SPORTS ACT.

Senator Souza, presented **H 500** which relates to fairness in women's sports. She stated that girls and women deserve to compete on a level playing field. Title IX became law in 1972 and, over time, it began to balance out the great divide between men and women's sports.

Senator Souza said when biological boys compete in girls sports, equal opportunity is destroyed. She provided a packet of information, including an anatomical graphic published in the Washington Post in 2014 titled "Fit But Unequal" comparing the physical scientific attributes of males versus females (see Attachment 1). She also referred to a letter from Beth Seltzer, founder of Save Women's Sports, who wrote that the physical advantages that males have over females is very real and unchangeable, resulting in performance differentials of up to over 30 percent, depending on the activity. The letter was signed by 25 women from all kinds of different backgrounds (see Attachment 2). She added that studies have confirmed that after 12 months of hormone therapy, male bodies do not lose these advantages. Fairness, privacy, and safety for females must be ensured and protected.

Senator Stennett provided a scenario that emphasized how someone, without cause, could instigate a complaint questioning the biological sex of a girl athlete that would result in extreme internal and external testing with the resulting analysis confirming she was a girl. There is nothing in this bill to preclude this type of incident happening. There are many questions to be answered. **Senator Stennett** stated that what this bill does or doesn't do regarding legislative language comes from an Attorney General's opinion.

Representative Ehardt, District 33, cosponsor of **H 500**, said this bill is about one thing, protecting opportunities for girls and women in sports. There have been gross misunderstandings and misrepresentations directed at this bill. This bill preserves girls opportunities to excel in athletics. She emphasized that women have fought too long and too hard for opportunities that, in many respects, are still not on a level playing field with boys and men.

Representative Ehardt said this legislation acknowledges that there are inherent differences between males and females (see Attachment 3). She then referred to the health examination and consent form issued by the Idaho High School Activities Association (see Attachment 4). She discussed the form regarding questions relating to the bill and how they were used by the athletic directors at the schools. The athletic directors are in charge and a disgruntled person cannot make accusations, it is up to those athletic directors to determine what should be done. **Representative Ehardt** met with Ty Jones, Executive Director of the Idaho High School Activities Association, to review standards and requirements. She referred back to Title IX stating that it was designed to eliminate discrimination against girls and women.

Representative Ehardt quoted Martina Navratilova, a tennis player. Ms. Navratilova tries not to exclude trans people from living a full, healthy life, but tries to make sure girls and women who are born female, are competing on a level playing field within their sport. **Representative Ehardt** then explained the NCAA policy for transgenders and what they must go through to play in sports.

Senator Stennett read page 3, lines 15-20 of the bill and noted that testosterone levels fluctuate and are not the same; she asked what level is considered normal in this bill and who pays for all of these tests. **Representative Erhardt** responded that the added two options are there but will seldom be used. Like any other physicals, these can be paid by the student athlete or, in some cases,

a donor. In regards to testosterone levels, this is for high school or college students. The differences in the levels of testosterone between males and females are very significant.

Senator Souza interjected that there are normal values within normal ranges which can fluctuate. Normal ranges for males are quite different from girls in that age group. **Senator Stennett** noted that the bill does not indicate that range. **Senator Souza** said that is why a physician's signature is required for the physician's exam.

Representative Erhardt also responded that this is based only on biological sex and only when there is a question would other testing be involved.

Chairwoman Lodge opened testimony and explained the time limit would be three minutes.

**TESTIMONY IN
OPPOSITION:**

The following testified in opposition to **H 500**: Paul Rolig; Kristen Linzmeye; Emilie Jackson-Edney; Mary Anne McGrory; Claire Paschke; Erin Hudson, Speedy Foundation; Diane Terhune, Tracy Olson, Liz Fuller, BSU Amnesty Intl.; Miranda Markovitz; Lindsay Hecox; Kayla McNay; and Tre'Anna Cussins.

Issues and concerns that were addressed included:

- The government should not do what the free market and private organizations can do.
- Debating this issue is a waste of taxpayers money.
- It discriminates against Idaho citizens who identify as transgender.
- A mechanism for harassment of female athletes is created.
- It does not allow transgender people to live a normal life.
- This bill is an affront to Idaho values.
- It prevents student athletes from participating according to their authentic gender identity.

**TESTIMONY IN
FAVOR:**

Testifying in favor of **H 500** were Robin Ray; Christian Welp, Catholic Church; KaDee Hammond-Gomez, Brian Stutzman; Lori Woodland; Lindsey Zea; Blain Konzatti, Family Policy Alliance; and Alyssa Gilmore.

In closing, **Senator Souza** said the remarks made against the bill are unfair, and the bill is only about fairness in women's sports and creating a level playing field.

Chairwoman Lodge announced that testimony on **H 500** would resume on Monday, March 9 and encouraged the public to submit written testimony. An e-mail address was provided.

ADJOURNED:

There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 10:25 a.m.

Senator Lodge, Chair

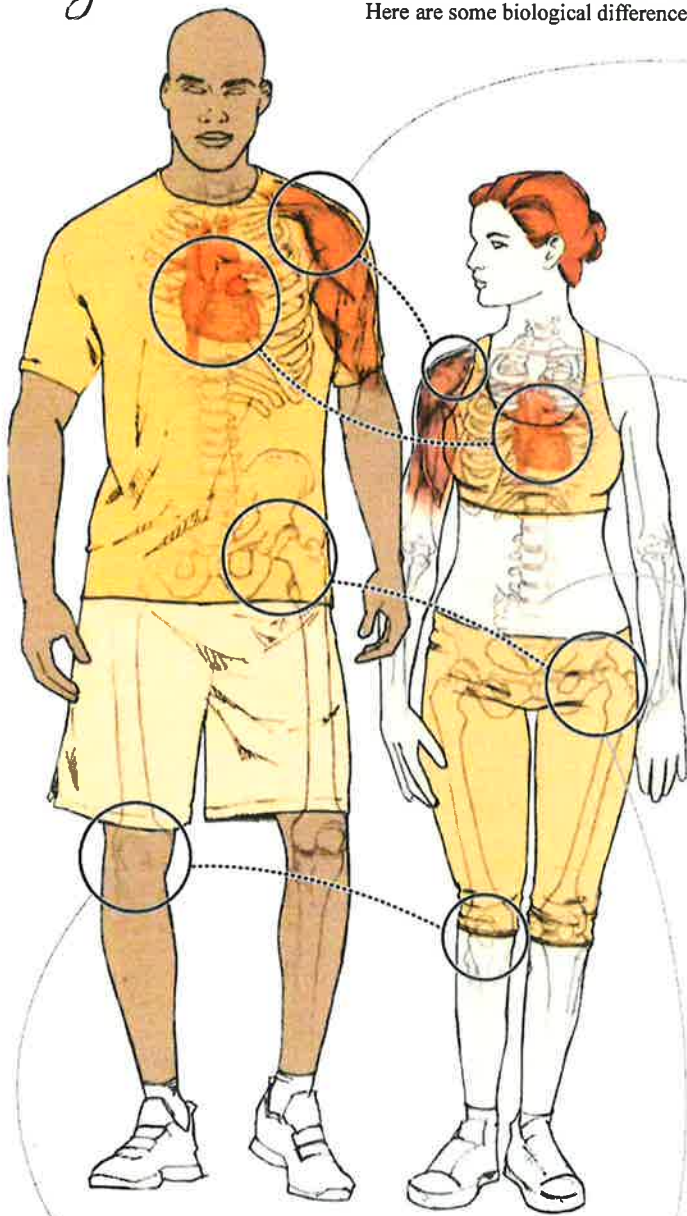
Twyla Melton, Secretary

Juanita Budell
Assistant Secretary

Attachment 1
H500 3-6-2020
Senator Souza

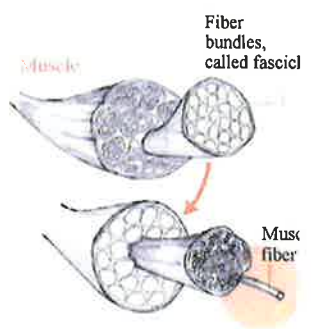
Fit but unequal

Take two highly trained, Olympic-caliber athletes: one man, one woman.
Here are some biological differences that affect their performance:



Muscle

Testosterone and other hormones give him a greater percentage of lean muscle, particularly in his upper body. Some research indicates that even his individual muscle fibers are larger. Because more muscle means more power, men's top performances in jumping and sprinting sports and especially weightlifting and throwing events greatly exceed women's.

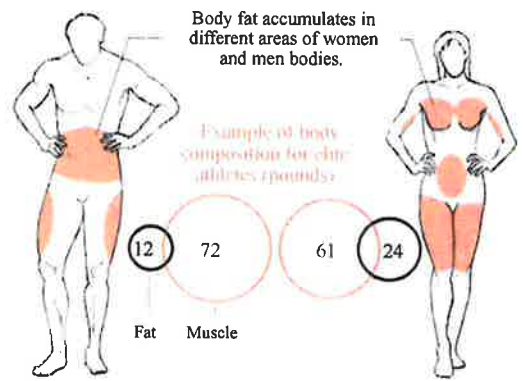


Heart

The man's heart, because of its larger size, can send more blood per beat to working muscles than hers can. His blood also contains more oxygen-carrying hemoglobin. Altogether, his ability to take in and use oxygen — also called aerobic capacity, or VO2 max — is typically 15 to 25 percent greater than hers. That translates to greater performance in endurance events.

Fat

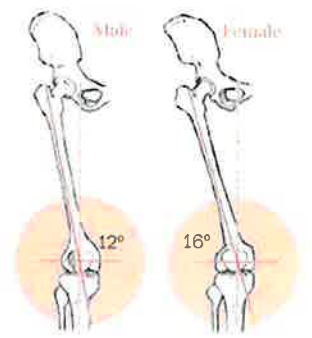
Her total body fat is 16% of her weight; his is half that. Her body needs more "essential fat" just to keep all systems running smoothly. Estrogen increases the fat storage. (These are elite athletes. Regular people's healthy body-fat ranges are roughly 20 to 32% for women and 10 to 22% for men.) Her extra fat is vital but doesn't boost performance, so he is stronger, pound for pound.



Body composition if each weighs 150 pounds*

Knees

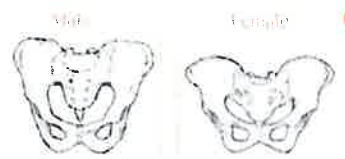
Her wider pelvis means her femurs meet her tibias at a greater angle. The higher this "Q angle," the more stress is put on the knee joints. This is one reason female soccer players, for example, are five to six times as susceptible to knee injuries as male players are. Strength training that targets hamstrings and nearby muscles can reduce the risk.



The Q angle is named for the quadriceps muscle in front of the thigh.

Flexibility

Thanks to anatomical differences, some of her joints have a greater range of motion, giving her the edge in gymnastics and figure skating. Hormones may also play a part in making joints more lax.



Deeper pelvis
Shallower pelvis allows more flexibility



He can generate the power to spin four times in the air.

She can do this.

Sources: Barbara Bushman, exercise physiologist and editor of the American College of Sports Medicine's "Complete Guide to Fitness and Health;" Wayne Westcott, professor of exercise sciences at Quincy College and author of 25 books on strength training; "Gender differences in strength and muscle fiber characteristics," by A.E. Miller, et al., McMaster University, Ontario; American Academy of Orthopaedic Surgeons; American Heart Association.

**SAVE
WOMEN'S
SPORTS**

Attachment 2
H500 3-6-2020
Senator Dougan

TO: Idaho Senate State Affairs Committee

From: Beth Stelzer, Founder of
Save Women's Sports

Date: Thursday, March 5, 2020

RE: Please preserve female sports by supporting HB 500

Dear Members,

On behalf of the following concerned individuals and organizations, and women and girls across Idaho we ask you to please vote yes on HB 500. Your efforts to preserve women's sports will impact millions of young women. Science does not lie, and the truth is not transphobic. The physical advantages that males have over females are very real and unchangeable, resulting in performance differentials of up to over 30% depending on the activity.¹

No matter what medical intervention is attempted, a male body will never be transformed into a female body. It can only be made to appear more female. Once a person is born male, every cell and structure of the body will remain fundamentally male.

Currently, society is being manipulated into believing that people can literally change their birth determined sex if they simply proclaim that they are a different "gender". Please note that the two words do NOT mean the same thing: "sex" is biological, while "gender" relates to social behavior and the way someone wishes to be viewed by others. Sex is a fact; gender is an idea.

Legislation that enables a biological male to self-declare as "female" and to trespass upon female-only space has proven to be unfair towards females. Presumably, such laws and/or policy decisions were made in good faith but we must also assert that the troubled feelings of a small minority of male-bodied individuals should never be used as an excuse to override the basic rights to privacy, fair play, and respect that women have fought so hard to attain.

In the realm of sports, it is obviously unethical to allow a male athlete to compete against female athletes. The advantages enjoyed by the male body result in a blatant disadvantage for female athletes. Such discrimination undermines the very purpose of Title IX.

**SAVE
WOMEN'S
SPORTS**

The attached graphic provides a useful summary of this issue and I have also provided my personal testimony. Please feel free to use it as you wish to educate others. If males who identify as being transgender can compete on women's sports teams and in women's sporting events, there will be men's sports, there will be co-ed sports, but there will no longer be women's sports.

Furthermore, please let us know if we can be of assistance. The future of female sports depends on you.

Again, please support HB 500. Thank you for your vital support! For information and resources on this subject please proceed to our website www.savewomenssports.com.

Sincerely,

Beth Stelzer
Founder of Save Women's Sports
Amateur Powerlifter

Linda Blade, PhD Kinesiology
Sport Performance Professional
President of Athletics Alberta

Jennifer S. Bryson
Former College Athlete
Let All Play, Founder

Autumn Caycedo, MD
Former Collegiate Rower, Army Veteran
Mother of 3 daughter-athletes

Natasha Chart
Board Chair
Women's Liberation Front

Jade Dickens
Masters Powerlifting World Champion
Founding Member of XX Fair Play Rights

Sharon Dierberger
Clinical Exercise Physiologist

**SAVE
WOMEN'S
SPORTS**

Tanya Ditty
Vice President of Field Operations
Concerned Women for America

Misha Fayant
Multi Time Powerlifting World Champion
Founding Member of XX Fair Play Rights

Robert Fausett
Former U.S. National Taekwondo Team Coach
2012 Olympic Taekwondo Coach

Bob Higgins
Member of Save Women's Sports
43 Years of Experience in Road Cycling

Kristopher Hunt, MD FACEP
USA Powerlifting Medical Director

Emily Kaht
Marathon Runner
Member of Save Women's Sports

Heidi Kay
Amateur Powerlifter
Member of Save Women's Sports

Meg Kilgannon
Member of Save Women's Sports

Rebekah Lair
Masters Bench Press World Champion
Founding Member of XX Fair Play Rights

Ashley Lesniewski, MSN, APRN, FNP-C,
Amateur Cyclist
Member of Save Women's Sports

Anthony D. Lunsford
Father of Daughter-Athletes
Author, Coach, and Business Owner

Donna Marts
Multi Time Powerlifting World Champion
Founding Member of XX Fair Play Rights

Jane Rice
Member of Save Women's Sports
Masters Powerlifter

Elizabeth Richardson, MD FACOG
Champion Powerlifter

Angie Riniker, Track Coach
Former NCAA 400 Meter Hurdles Champion
8 Time All American

Jennifer Rosener MSN APRN NP-C
Member of Save Women's Sports

Inga Thompson
3 Time Olympic Cyclist
Founder of The Inga Thompson Foundation

Jennifer Wagner-Assali, MD FAAOS
5-time National Champion Master Track
Cycling

Jim Wright
2 Time Age Group and
1 Time Elite National Champion Road Cyclist

Mary Verrandeaux
Tour de France Finisher

**SAVE
WOMEN'S
SPORTS**

My name is Beth Stelzer. I am a woman. I am a wife, mother, amateur powerlifter and the founder of the coalition Save Women's Sports.

When I picked up a barbell for the first time a few years ago, it changed my life. Powerlifting empowered me. My husband brought me to watch the USA Powerlifting 2018 Minnesota women's state championships. When I got home, I hung a goals list on my wall. At the top of the list was my ambition to complete the following year.

When it came time to sign up for that contest, I experienced a very unexpected and painful miscarriage. At the same time, my Grandma passed away. I lost a child and I lost one of my biggest supporters. I had lost hope and I thought I had lost the chance to compete, but I didn't give up.

After I was cleared to lift again, powerlifting helped me feel like I still had control of my unpredictable female body. Through literal blood, sweat, and tears, I persevered.

About two months before the contest, I saw that there were suddenly some openings in the competition. I jumped at the opportunity and started training intensely 2-3 hours a day 5-7 days a week as the day approached anticipation and excitement were my constant companions.

However, transgender rights activists sullied the day of the meet for every woman there. They disrupted all events because a male was not allowed to compete against females.

That male has filed a complaint against USA Powerlifting with the Minnesota Department of Human Rights.

Males average about a 10% physical advantage over women across the various sports. In weight lifting showing males' competitive advantages crest over 30%. When tenths of a second or a half kilogram can determine the winner; this kind of advantage is huge! Men have an average of 26 lbs. more skeletal muscle mass than women and we enjoy around 40 percent less upper-body and 33 percent less lower-body strength.

Studies have confirmed that even after 12 months of hormone replacement, male bodies do not lose these advantages. Medical procedures do nothing to mitigate them. The Y chromosome continues to program the permanently increased number of myonuclei in a male's muscles to recover and grow faster than females.

Fairness, privacy, and safety for females must be insured and protected. Like many other women, I would never have bothered to even start my fitness journey if I'd have had to compete against males. There would have been no point.

**SAVE
WOMEN'S
SPORTS**

After founding Save Women's Sports, I discovered that women are harassed for raising alarms about the more than 50 males who have taken away opportunities from females over the past couple of years. We lose opportunities, sponsors, and jobs. We are slurred as transphobic, bigoted, and even racist. Out of fear, we have become the silenced majority. I represent all of these women.

Male participation in female sports spans internationally at all playing levels. Allowing them to compete as females denies women fair play and bodily privacy. It undermines the purpose of Title IX. It is unethical, unfair, unnecessary, unscientific, and unsound.

If males are allowed to compete in women's sporting events, there will be men's sports and there will be co-ed sports, but there will no longer be women's sports.

Protect sex-separated opportunities. Support HB 500. Set the precedent and save women's sports.

Beth Stelzer

beth@savewomenssports.com



FAST FACTS SPORTS

Attachment 3
H500 3-6-2020
Representative Ehardt

The strongest 10% of females can only beat the bottom 10% of men in hand grip tests.²⁸ Hand grip is one of the most widely-used markers for **strength**.



Men are **faster** than women. In running, swimming, rowing, kayaking, and short distance and long distance, women's speed world records are all about 90% of their men's speed world records.²⁹ Each year, **hundreds** of men easily beat the world's best time in the women's marathon.³⁰



Men have broader shoulders, and larger feet and hands, all of which grant an **advantage** in sports like volleyball, swimming, and basketball.



Male marathon runners have **lower body fat** percentages than female marathon runners.³¹



Men have a greater amount of fast twitch muscle fibers, which give men **explosive power**.³²

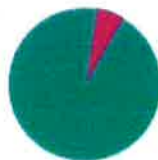


On average, men are physically stronger than women.³³

Men have **66%** more upper-body muscle than women, and **50%** more lower-body muscle.³⁴



There is a **10%** performance gap between male and female athletes in most sports and it hasn't narrowed as women train harder.³⁵



Men have **higher hemoglobin levels**, allowing their body to oxygenate muscles more quickly and efficiently.³⁶



Men have **larger hearts and lungs**. A larger heart can pump more blood to the body and larger lungs allow for the body's tissues to receive more oxygen.



Men have bigger and stronger bones. A larger skeletal structure means men's bodies can hold **more muscle** and **larger bones** facilitate leverage.³⁷



Men are **taller**, giving them an advantage in sports like basketball or volleyball.





Attachment 4
HSA 3-6-2020
Representative Erhardt

HEALTH EXAMINATION and CONSENT FORM

It is required all students complete a history and physical examination prior to his/her first 9th and 11th grade practice in the interscholastic (9-12) athletic program in the State of Idaho. The exam is at the expense of the student and may not be taken prior to May 1 of the 8th and 10th grade years. This examination is to be done by a licensed physician, physician's assistant or nurse practitioner under optimal conditions. Interim history forms are required during the 10th and 12th grade years and must be submitted to the school administration prior to the first practice.

Name: _____ Sex: M / F Date of birth: _____ Age: _____
Address: _____ Phone: _____
School: _____ Sports: _____ Participation Grade: _____

MEDICAL HISTORY

Fill in details of "YES" answers in space below:

- | | Yes | No | | Yes | No |
|---|--------------------------|--------------------------|--|--------------------------|--------------------------|
| 1. Have you ever been hospitalized? | <input type="checkbox"/> | <input type="checkbox"/> | 6. Have you ever had a head injury? | <input type="checkbox"/> | <input type="checkbox"/> |
| Have you ever had surgery? | <input type="checkbox"/> | <input type="checkbox"/> | Have you ever been knocked out or unconscious? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Are you presently taking any medication or pills? | <input type="checkbox"/> | <input type="checkbox"/> | Have you ever been diagnosed with a concussion? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Do you have any allergies (medicine, bees, other insects)? | <input type="checkbox"/> | <input type="checkbox"/> | Have you ever had a seizure? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Have you ever passed out during or after exercise? | <input type="checkbox"/> | <input type="checkbox"/> | Have you ever had a stinger, burned or pinched nerve? | <input type="checkbox"/> | <input type="checkbox"/> |
| Have you ever been dizzy during or after exercise? | <input type="checkbox"/> | <input type="checkbox"/> | 7. Have you ever had heat or muscle cramps? | <input type="checkbox"/> | <input type="checkbox"/> |
| Have you ever had chest pain during or after exercise? | <input type="checkbox"/> | <input type="checkbox"/> | Have you ever been dizzy or passed out in the heat? | <input type="checkbox"/> | <input type="checkbox"/> |
| Do you tire more quickly than your friends during exercise? | <input type="checkbox"/> | <input type="checkbox"/> | 8. Do you have trouble breathing or do you cough during or after exercise? | <input type="checkbox"/> | <input type="checkbox"/> |
| Have you ever had high blood pressure? | <input type="checkbox"/> | <input type="checkbox"/> | 9. Do you use special equipment (pads, braces, neck rolls, mouth guard or eye guards, etc.)? | <input type="checkbox"/> | <input type="checkbox"/> |
| Have you been told you have a heart murmur? | <input type="checkbox"/> | <input type="checkbox"/> | 10. Have you ever had problems with your eyes or vision? | <input type="checkbox"/> | <input type="checkbox"/> |
| Have you ever had racing of your heart or skipped heartbeats? | <input type="checkbox"/> | <input type="checkbox"/> | Do you wear glasses, contacts or protective eyewear? | <input type="checkbox"/> | <input type="checkbox"/> |
| Has anyone in your family died of heart problems or a sudden death before age 50? | <input type="checkbox"/> | <input type="checkbox"/> | 11. Have you had any other medical problems (infectious mononucleosis, diabetes, ect.)? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Do you have any skin problems (itching, rash, acne)? | <input type="checkbox"/> | <input type="checkbox"/> | | | |

12. Have you had a medical problem or injury since your last evaluation? ☐ Yes ☐ No

13. Have you ever sprained/strained, dislocated, fractured, broken or had repeated swelling or other injuries of any of bones or joints?

- ☐ head ☐ back ☐ shoulder ☐ forearm ☐ hand ☐ hip ☐ knee ☐ ankle
☐ neck ☐ chest ☐ elbow ☐ wrist ☐ finger ☐ thigh ☐ shin ☐ foot

14. Were you born without a kidney, testicle, or any other organ? ☐ Yes ☐ No

15. When was your first menstrual period? _____

When was your last menstrual period? _____

What was the longest time between your periods last year? _____

Explain "YES" answers: _____

CONSENT FORM

(Parent or guardian and student permission and approval)

I hereby consent to the above named student participating in the interscholastic athletic program at his/her school of attendance. This consent includes travel to and from athletic contests and practice sessions. I further consent to treatment deemed necessary by physicians designated school authorities for any illness or injury resulting from his/her athletic participation. I also consent to release of any information contained in this form to carry out treatment and healthcare operations for the above named student.

If the health care provider's exam will be performed without compensation as part of the school's health examination program for participation in high school activities, I agree to the waiver provisions as set forth in Idaho Code Section 39-7703 and agree that the health care provider shall be immune from liability as specified in said section.

PARENT OR GUARDIAN SIGNATURE _____

DATE: _____

This application to compete in interscholastic athletics for the above school is entirely voluntary on my part and is made with the understanding that I have not violated any of the eligibility rules and regulation of the State Association.

SIGNATURE OF STUDENT _____

DATE: _____

Idaho High School Activities Association Physical Examination Form

Name: _____ Date of Birth: _____

Height _____	Weight _____	BP _____ / _____	Pulse _____
Vision R 20 / _____ L 20 / _____		Corrected: Y N	
Normal	Abnormal findings		
Medical			
Pulses			
Heart			
Lungs			
Skin			
Ears, nose, throat			
Pupils			
Abdomen			
Genitalia (males)			
Musculoskeletal			
Neck			
Shoulder			
Elbow			
Wrist			
Hand			
Back			
Knee			
Ankle			
Foot			
Other			

CLEARANCE / RECOMMENDATIONS

Clearance:

- A. Cleared for all sports and other school-sponsored activities.
- B. Cleared after completing evaluation/rehabilitation for:

C. NOT cleared to participate in the following IHSAA sponsored sports / activities:

baseball basketball cheer/dance cross country football golf
soccer softball swimming tennis track volleyball wrestling

NOT cleared for other school-sponsored activities (*example: lacrosse*):

D. Student is NOT permitted to participate in high school athletics.

Reason: _____

Recommendation: _____

Name of physician: _____

Address: _____ Phone: _____

Signature of physician/medical provider: _____ Date: _____

(This Physical Examination Form MUST be signed by a licensed physician, physician assistant or nurse practitioner)

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Monday, March 09, 2020

SUBJECT	DESCRIPTION	PRESENTER
<u>H 440</u>	RELATING TO THE COMMISSION ON HUMAN RIGHTS to prohibit discriminating against or granting special treatment to any individual.	Representative Scott
<u>H 500</u>	CONTINUED – Related to fairness in the Women's Sports Act	Senator Souza

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge	Sen Anthon
Vice Chairman Harris	Sen Souza
Sen Hill	Sen Stennett
Sen Winder	Sen Buckner-Webb
Sen Vick	

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email: ss taf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, March 09, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and Buckner-Webb

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:00 a.m.

H 440 RELATING TO THE COMMISSION ON HUMAN RIGHTS to prohibit discriminating against or granting special treatment to any individual.

Representative Heather Scott, District 1, shared her personal story that inspired her to draft **H 440**. She stated that this bill would prohibit the State of Idaho and its political subdivisions from discriminating against or granting preferential treatment to any individual based on color, ethnicity, national origin, race, and sex in the operation of public employment, public education, and public contracting. She added that the language in the bill would amend the Human Rights Act in Chapter 59 Title 67 of Idaho Code. This would ensure that all applicants would be treated equally, unless there are qualifications based on sex that are reasonably necessary. She continued that **H 440** is similar to legislation in seven other states.

DISCUSSION: **Senator Buckner-Webb** and **Senator Stennett** asked Representative Scott to discuss the impact of the bill on inequality and preferential treatment concerns. **Representative Scott** emphasized that **H 440** would ensure that hiring decisions would be based on qualifications, merits, and competence. She highlighted that the bill deals with immutable traits.

Representative Scott yielded her time to Ward Connerly, founder and president of the American Civil Rights Institute, to further discuss **H 440**. **Mr. Connerly** shared his personal experiences on discrimination. He stated that people had built a society that makes the pursuit of diversity as a legalized form of discrimination. He added advocating for diversity has turned people against each other. He acknowledged that there would be groups of individuals who would view this bill as a way of overturning Affirmative Action, but he encouraged the community to start building a society with a race neutral paradigm. He cited that **H 440** would put in place a framework where people would be viewed as individuals.

TESTIMONY: **Beverly Guenette** and **Janice Camerina** spoke in support of **H 440**. They emphasized that **H 440** would rectify prejudice and discrimination by treating all people without any preconceived notions. They stressed that continuous preferential treatment to any group of people is contrary to the definition of equality and fairness.

Donna Harwood; Kacie Hoch, Idaho Association of LGBTQ; **Elaine Kazakoff; Mistie Tolman**, Idaho Planned Parenthood; **Mat Erpelding**, Boise Metro Chamber of Commerce (BMC); **Kathy Griesmyer**, American Civil Liberties Union; **Lori Burelle**, the southwest Idaho chapter of the National Organization for Women; **Leta Harris Neustaedter; Shakira Sanders**; and **Jennifer Martinez** spoke in opposition of **H 440**. They all agreed that **H 440** would attempt to diminish affirmative action principles. **Mr. Erpelding** emphasized that BCM deems that **H 440** could create barriers to educational opportunities, divide the community, and make employee recruitment more difficult.

Senator Vick called on Mr. Connerly to talk about the effects of **H 440** on affirmative action principles. **Mr. Connerly** articulated that all cities and counties have duties to look into its practices, and must guarantee that they are treating all people equally. He quoted one of President Ronald Reagan's speeches about equality: "We are all equal in the eyes of God but we must be equal in the eyes of each other." He pointed out that the Legislature and government institutions have to provide a framework and understanding that people are treated as individuals, not as representatives of certain groups. Moreover, he said that giving preferential treatment to someone based on color, ethnicity, national origin, race, and sex, could be considered discrimination.

Senator Buckner-Webb called Benjamin Earwicker, Idaho Commission on Human Rights (ICHR) to testify. **Mr. Earwicker** clarified that ICHR does not take any official position on the bill. However, he was present to answer questions regarding human rights and discrimination concerns. In response to Senator Buckner-Webb's questions on affirmative action programs and discrimination in Idaho, **Mr. Earwicker** replied that he was not in a capacity to answer questions concerning affirmative action. He reiterated that ICHR enforces anti-discrimination protection, and does not deal with any affirmative action programs. He acknowledged that there are about 5-10 percent of Idaho's total cases related to discrimination cases with probable cause in recent years.

Representative Scott clarified that **H 440** does not abolish affirmative action. She discussed the possible amendments which address the concerns of the Idaho Transportation Department, and the Idaho Commission on Human Rights regarding the bill's impact on federal funding.

MOTION: **Senator Vick** moved to send **H 440** to the 14th Order of Business for possible amendment. **Senator Harris** seconded the motion. The motion carried by **voice vote**. **Senator Buckner-Webb** and **Senator Stennett** requested they be recorded as voting nay.

H 500 **CONTINUED** – Related to fairness in the Women's Sports Act.

Representative Barbara Ehardt, District 33, reiterated that **H 500** preserves opportunities for girls and women in sports. She recounted the inherent physical differences between women and men. She highlighted that due to these differences women cannot compete on the same level with men.

TESTIMONY: **Maddie Oppenheimer; Astrid Wilde**, Boise State University's student government; **Quinn Perry**, Idaho School Boards Association; **Jen Moore**, Idaho Counseling Association's Council of leaders; and **Donna Harwood** spoke in opposition to **H 500**. They agreed that this bill would have a significant impact on the transgender community.

DISCUSSION: **Senator Souza** addressed the concerns that were brought up by people who are opposing the bill. She indicated her willingness to discuss options for the transgender persons who would like to train and compete on teams in Idaho. On the other hand, she emphasized that she does not condone transgender people playing on women's teams due to fairness and safety issues. She reiterated that **H 500** is a bill where she would like to work with all groups involved.

Senator Buckner-Webb inquired about the impact of the bill on Idaho Code, Title IX. **Senator Souza** assured her that **H 500** supports Title IX.

Senator Hill expressed his complete agreement with the objectives and goals of the legislation. However, he acknowledged that there are unintended consequences. He commended the sponsors of the bill for their willingness to address and respond to the issues surrounding the bill.

MOTION: **Senator Hill** moved to send **H 500** to the 14th Order of Business for possible amendments. **Senator Vick** seconded the motion.

Senator Stennett voiced her concerns on the repercussions and unnecessary trauma that innocent children have to endure to prove their gender. She disagreed with the possible invasive procedures that could be performed on children.

SUBSTITUTE MOTION: **Senator Stennett** moved to hold **H 500** in the Committee. **Senator Buckner-Webb** seconded the motion.

ROLL CALL VOTE: **Chairwoman Lodge** called for a roll call vote on the substitute motion. **Senators Buckner-Webb** and **Stennett** voted aye. **Chairwoman Lodge, Vice Chairman Harris, and, Senators Hill, Anthon, Souza, Vick ,and Winder** voted nay. The motion failed.

ROLL CALL VOTE: **Chairwoman Lodge** called for a roll call vote on original motion to send **H 500** to the 14th Order of Business for possible amendments. **Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Anthon, Souza, Vick** and **Winder** voted aye. **Senator Buckner-Webb** and **Senator Stennett** voted nay. The motion carried.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 10:08 a.m.

Senator Patti Anne Lodge
Chair

Twyla Melton
Committee Secretary

Rellie Wisdom
Majority Staff Assistant

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Tuesday, March 10, 2020

NOTE: MEETING ON TUESDAY

SUBJECT	DESCRIPTION	PRESENTER
<u>H 509</u>	RELATING TO VITAL STATISTICS for provisions regarding specific requirements for reporting on birth certificates and methods for completion or correction of those statistics.	Senator Vick
<u>H 548</u>	RELATING TO INITIATIVES AND REFERENDUMS to improve clarity, transparency, and integrity in the initiative process.	Senator Souza and Representative Addis
<u>S 1387</u>	RELATING TO VITAL STATISTICS to amend Idaho Code by adding a new section to provide for changing the sex indicator on a birth certificate and requirements for an amended birth certificate in compliance with a federal district court order.	Senator Martin
<u>S 1385</u>	RELATING TO ABORTION that when the U. S. Supreme Court restores authority to the states regarding abortion, this statute makes the performance of an abortion a crime.	Senator Lakey

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge	Sen Anthon
Vice Chairman Harris	Sen Souza
Sen Hill	Sen Stennett
Sen Winder	Sen Buckner-Webb
Sen Vick	

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Tuesday, March 10, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Souza, Stennett, and Buckner-Webb

ABSENT/ EXCUSED: Senator Anthon

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** called the Senate State Affairs Committee (Committee) to order at 8:00 a.m.

H 509 RELATING TO VITAL STATISTICS for provisions regarding specific requirements for reporting on birth certificates and methods for completion or correction of those statistics.

Senator Vick explained that there is a compelling interest in maintaining accurate, quantitative, and biologically based facts on Idaho birth certificates that provide material facts fundamental to the performance of government functions. He advised the Committee that **H 509** provides for the inclusion of this information. **Senator Vick** yielded to Representative Julianne Young.

Representative Julianne Young, District 31, reiterated that the most important purpose of the bill is to maintain reliable public documents to support the government in protecting the health and safety of its citizens. She identified the specific information in **H 509** that would be included on the birth certificate as time of birth, date of birth, sex, birth weight, birth length, and place of birth.

Representative Young explained the following elements of the bill: the definition of "sex" as used in this Legislation, the compelling interest of the State in maintaining accurate vital records, the difference between and uses of legal facts and material facts. She discussed the functions of the XX and XY chromosomes as well as the results of altering the functions of genes. She shared information regarding the impact definitions have on many laws and contractual actions, how biological sex relates to the general public, and how many policies are dependent on being male or female.

Representative Young reviewed concerns that are being discussed in the courts, the medical field, and the public regarding the following: impact of biological basis of sex, affect on privacy, affect on the public at large, affect on the basis of medical history, affect on the equality principal, function of first responders and emergency care, court rulings, and constitutional considerations.

She discussed the conflict involved between the courts and the Legislature. She noted that court decisions have been rendered because the statute was silent on the issues. She presented, as an example, the confusion between the use of the terms "sex" and "gender identity." She emphasized that the Legislature has a responsibility to give direction based on the interests of the State as a whole. She noted that a process, similar to that of changing paternity on a birth certificate, has been developed.

Senator Stennett and **Representative Young** discussed the definition of male and female, the involvement with the judiciary that may occur, and the rationality and necessity of the bill.

TESTIMONY: Those presenting written or oral testimony in support of **H 509** were:

- Doug Trauber, a former police officer;
- Heather Goodworth, a registered nurse;
- Blaine Conzotti, Director, Family Policy Alliance;
- Lindsey Zea, representing self; and
- Scott Watson, representing self.

Reasons for their support were:

- the bill assists in preventing interference in public safety with regard to criminal activity;
- it alleviates privacy concerns in searching and housing inmates;
- the existence of verifiable factual data on birth certificates related to federal reimbursement payout for various entities;
- to provide biological data on birth certificates affecting genetic research; and
- the protection of women and children in shelters and schools.

Those presenting written or oral testimony in opposition of **H 509** were:

- Misty Tolman, Idaho State Director for Planned Parenthood, Boise;
- Emilie Jackson-Edney, Garden City, representing self;
- Kathy Griesmeyer, Director, American Civil Liberties Union (ACLU);
- Moné Miller, Legal Advocate, Idaho Coalition;
- Reverend Sara LaWall, representing the Boise Unitarian Universalist Fellowship and the Interfaith Equality Coalition;
- Tanisha Newton, ACLU of Idaho, representing self;
- Corinna Omlsey, representing self; and
- Monica Cockerille, Lambda Legal.

Reasons for their opposition were:

- Idahoans' need for accurate, consistent identity documents representing how they live in the world;
- concern about discrimination against transgender people from medical providers and health insurance providers;
- the bill targets vulnerable transgender people;
- the violation of the Equal Protection Clause of the 14th Amendment of the U.S. Constitution;
- the bill violates Vital Statistics' rule 201 permitting adult transgender Idahoans to change their birth certificate gender marker;
- the harassment of individuals whose presentation does not match an identity, e.g., when seeking employment, obtaining a driver's license, and enrolling in higher education facilities;
- that it is unnecessary because a court order is already in place which does the same thing as this legislation; and

- it infringes on the right to informational privacy, individual liberty, autonomy, and dignity.

DISCUSSION: The Committee asked a variety of questions addressing issues raised in the above testimonies. To hear the full testimony and discussion, visit the Idaho legislative website (legislature.idaho.gov).

Senator Vick summarized the legislation as supporting the requirements set forth for birth certificates in order to provide material facts fundamental to the performance of government functions.

MOTION: **Senator Vick** moved to send **H 509** to the floor with a **do pass** recommendation. **Senator Souza** seconded the motion. The motion carried by **voice vote**. **Senators Stennett** and **Buckner-Webb** requested they be recorded as voting nay.

H 548 **RELATING TO INITIATIVES AND REFERENDUMS** to improve clarity, transparency, and integrity in the initiative process.

Chairwoman Lodge stated **H 548** would be heard at a later date.

S 1387 **RELATING TO VITAL STATISTICS** to amend Idaho Code by adding a new section to provide for changing the sex indicator on a birth certificate and requirements for an amended birth certificate in compliance with a federal district court order.

Senator Martin explained **S 1387** is being presented as a backup to possible litigation with **H 509** to comply with a federal district court order. He pointed out that **S 1387** provides a process for an individual 18 years of age or older to have the sex indicator changed on his/her birth certificate.

TESTIMONY: **Kathy Griesmeyer**, Policy Director, ACLU, spoke in opposition to **S 1387**. She advised the Committee that remarks in her testimony for **H 509** can be applied to **S 1387**. She said the Idaho Department of Health and Welfare (DHW) has been able to successfully practice gender marker changes for minors under the age of 18 through the self-attestation process, and there have been no known complications or problems presented by State or DHW officials. She noted that there have been health care denials for transgender patients and the current process provides for parental consent.

Mistie Tolman, Idaho State Director, Planned Parenthood, spoke in opposition to **S 1387**. She stated that testimony she gave for **H 509** can be applied to **S 1387**. **Ms. Tolman** noted that **S 1387** required minors to have a signed attestation form from a licensed professional. She observed that the person to make that determination is the person requesting the change. **Ms. Tolman** advised the Committee that there are also financial considerations which leave youth without needed health care services. She stated that the bill intrudes on Idaho families' basic right to privacy.

Monica Cockerill, Lambda Legal, spoke in opposition to **S 1387** explaining that a reasonable rule is already in place. She added this legislation would invite costly litigation, require a medical provider attestation which is not consistent with the court order, and additional personal costs are not in line with the court order.

James Goiffre` spoke in opposition to both **H 509** and **S 1387** stating that this is a very small problem in Idaho and this issue is way overblown.

Fred Birnbaum, Idaho Freedom Foundation, spoke in opposition to this bill stating that this issue is a relatively new issue for both the State and the country. There will be further litigation because one opinion of a district court judge will not end the legal process. The methodology behind **H 509** is correct and **S 1387** should be held in Committee.

DISCUSSION: **Senator Stennett** asked if this is worth over \$1 million in legal costs. **Mr. Birnbaum** said he didn't know what the litigation costs would be but he has heard that an outside

legal foundation has volunteered to support **H 509** so perhaps the cost would be zero. They do believe that the issue will end up in the Supreme Court.

Senator Martin stated he has received an Attorney General's (AG's) opinion dated February 26, 2020 indicating **S 1387** requirements are fairly minor and they improved the consistency and clarity of the law. It appears to comply with the judge's dual tools order. He read additional details contained in the letter.

Senator Souza asked if anything in the AG's letter conflicts with **H 509**. **Senator Martin** explained the steps he had taken since receiving the AG's letter. **S 1387** only bridges the gap until **H 509** is resolved.

MOTION:

Senator Souza moved to send **S 1387** to the 14th Order of Business for possible amendment. **Senator Hill** seconded the motion. The motion carried by **voice vote**. **Senators Stennett** and **Buckner-Webb** requested to be recorded as voting nay.

S 1385

RELATING TO ABORTION that when the U.S. Supreme Court restores authority to the states regarding abortion, this statute makes the performance of an abortion a crime.

Senator Lakey, District 12, stated that nullification of *Roe vs Wade* is not viable at this time but this bill is not reliant on that premise. **S 1385** becomes effective upon either of the following; 1.) a decision by the U.S. Supreme Court restoring to the states the right to prohibit abortion, or 2.) an amendment to the U.S. Constitution restoring to the states the right to prohibit abortion. It makes performance of an abortion a felony crime for the provider and establishes certain affirmative defenses for the physician related to the life of the mother and defenses for rape and incest. It also provides exclusions for other health care providers if their treatment of an individual results in the accidental death or unintentional injury to an unborn child. This is a trigger bill that becomes effective dependent on future action. Other states have similar bills in place. **S 1385** provides the ability for legislation to become effective without the need for further legislative action. **Senator Lakey** stated the purpose and intent of this legislation is to be in compliance with either the U.S. Constitution or the U.S. Supreme Court. **Senator Lakey** yielded time to David Ripley, who has worked on this bill.

David Ripley, Executive Director, Idaho Chooses Life, stated his belief that this bill will create a new paradigm in Idaho regarding abortion. Some will argue that this bill should be defeated because of the exceptions for the life of the mother or in cases of rape and incest. The issue is not the baby, it is the circumstance of the woman who is a victim. Babies can be saved through love and compassion by changing the social paradigm regarding pre-born children to one in which the inherent value of every human being is appreciated.

TESTIMONY:

Those presenting testimony supporting **S 1385**:

Blaine Gonzetti, Director, Family Policy Alliance of Idaho, supports this bill.

Christian Welp, Catholic Church, supports the bill.

Samuel Schaefer, Abolish Abortion Idaho, supports **S 1385**.

Dennis Mansfield, self, supports the bill.

Kelly Walton, Idaho Chooses Life spoke for Jim Halbert, Crossroads Community Church, supporting the bill.

Bill Teske, self, supports the bill.

Jackie Wakefield, Right to Life, supports the bill but doesn't accept exceptions of rape and incest.

David Snyder, is in support of the bill.

Those presenting testimony opposing **S 1385**:

Scott Herndon, Abolish Abortion in Idaho, spoke in opposition to **S 1385**.

Arlene Herndon, self, opposes the bill.

Benje Graves, Vission Community Church, opposes this bill.

Scott Watson, self, opposes the bill.

Misty Tolman, State Director, Planned Parenthood, spoke in strong opposition.

The majority of the discussion of those supporting and opposing **S 1385** revolved around *Roe v Wade* either by direct or indirect reference.

Senator Lakey closed by stating that if this bill abolished abortion, the State would lose and be liable for attorney's fees. **Senator Lakey** quoted from Title 18, Chapter 6 of Idaho Code, to show that this is not new ground. **S 1385** allows for the protection of the lives of unborn children in an expeditious manner. He stated his belief that this is what the majority of Idahoans want. He reiterated what the bill includes and asked the Committee to send **S 1385** to the floor with a do pass recommendation.

MOTION: **Vice Chairman Harris** moved to send **S 1385** to the floor with a **do pass** recommendation. **Senator Souza** seconded the motion. The motion carried by **voice vote**. **Senators Stennett** and **Buckner-Webb** requested to be recorded as voting nay.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 10:00 a.m.

Chairwoman Lodge, Chair

Twyla Melton, Secretary

Carol Cornwall, Assistant Secretary

AMENDED AGENDA #1
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Wednesday, March 11, 2020

SUBJECT	DESCRIPTION	PRESENTER
GUBERNATORIAL APPOINTMENTS:	The Gubernatorial Appointment of Patricia Perkins to the Treasurer's Investment Advisory Board.	Patricia Perkins, Director, Idaho Department of Finance
	The Gubernatorial Appointment of Dale McOmber to the Idaho State Building Authority.	Dale McOmber, Retired
	The Gubernatorial Appointment of Mark Ciavarella to the Idaho State Building Authority.	Mark Ciavarella, Owner/Manager Peak Concrete Construction
<u>HCR 33</u>	A CONCURRENT RESOLUTION to set aside a day of awareness recognizing indigenous persons.	Senator Guthrie
<u>H 548</u>	RELATING TO INITIATIVES AND REFERENDUMS to improve clarity, transparency, and integrity in the initiative process.	Senator Souza
<u>S 1384</u>	RELATING TO FIREARMS to allow school district employees with an enhanced concealed weapon license and under specified circumstances to carry a concealed weapon in a school.	Senator Lakey
MINUTES APPROVAL:	Minutes of February 26, 2020	Senator Winder and Senator Stennett

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge	Sen Anthon
Vice Chairman Harris	Sen Souza
Sen Hill	Sen Stennett
Sen Winder	Sen Buckner-Webb
Sen Vick	

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email:
sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, March 11, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and Buckner-Webb

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** called the Senate State Affairs Committee (Committee) to order at 8:00 a.m. She welcomed Senator Bart Davis, a former member of the Committee.

GUBERNATORIAL APPOINTMENT: **The Gubernatorial Appointment** of Patricia Perkins to the Treasurer's Investment Advisory Board (TIAB).

Patricia Perkins, Director, Idaho Department of Finance, stated her interest in serving on the TIAB. This position will be a good corollary because of her 30 years in banking including multiple human resource positions. She has also been a small business owner. **Ms. Perkins** said she has been on the TIAB for two months. The State Treasurer's Office will be looking at staffing issues due to pending retirements over the next five years with a focus on establishing good programs to attract and retain examiners. Consideration will be given to a current movement in banking toward financial technology.

GUBERNATORIAL APPOINTMENT: **The Gubernatorial Appointment** of Dale McOmber to the Idaho State Building Authority (ISBA).

Dale McOmber, stated he retired after 40 years with the Morrison Knudsen Company in construction and engineering. That experience will be advantageous in working with the ISBA. He stated his love of Idaho and interest in serving the State in this capacity.

GUBERNATORIAL APPOINTMENT: **The Gubernatorial Appointment** of Mark Ciavarella to the Idaho State Building Authority.

Mark Ciavarella, Owner/Operator of Peak Concrete Construction, stated he has lived in Idaho for 42 years and raised his family here. He has worked in the construction business his whole life and thinks his skill set would be compatible with the ISBA. He would like to give back to Idaho.

Senator Winder asked if Mr. Ciavarella's company and his experience is limited to concrete construction. **Mr. Ciavarella** responded that they can do anything related to concrete.

Chairwoman Lodge announced they would vote on these appointments at the next meeting.

HCR 33 **A CONCURRENT RESOLUTION** to set aside a day of awareness recognizing indigenous persons.

Senator Guthrie, District 28, stated he is a proponent of **HCR 33** in his capacity as Chair of the Council on Indian Affairs. He yielded his time to Representative Caroline Troy and Tyrel Stevenson for opening remarks.

Representative Troy, District 5, stated that, as a consultant and a representative of the Coeur d'Alene Tribe, she became aware of the difficult and tragic issues related to this bill. She described the issue of missing and murdered indigenous people, women in particular, and the violent nature of those actions.

Representative Troy elaborated on actions by other states, statistics, and division of duties in working toward increasing awareness. **HCR 33** designates May 5 as a day to increase awareness, to support efforts of research, and to explore solutions. May 5 is also the National Indigenous Women's Resource Center's National Day of Awareness for Missing and Murdered Indigenous Women (MMIW).

Tyrel Stevenson, Legislative Director, Coeur d'Alene Tribe, stated that Idaho is taking a different approach to this issue than other states. The State and the tribes recognize the gravity of the issue along with the United States (U. S.) Attorney's Office for the District of Idaho. The real work of this effort is improving public safety for communities and raising the level of their health and welfare by collaborating with other agencies including: the Governor's Office, the State police, the Department of Justice, and local and tribal law enforcement to improve response time and investigation.

Vice Chairman Harris inquired if there is any indication why the rates of violence are so much higher for this group. **Mr. Stevenson** answered that the complexity and severity of the attacks, as well as the location, vulnerability, and available resources do not lend to easy answers. One of the reasons for this resolution is to implement research to address all parts of the issue. President Trump recently signed an executive order drawing attention to these issues and directing action by the Department of Justice. There are many underlying causes and reasons for these events; identifying and addressing them is part of this effort.

U.S. Attorney (Attorney) Bart Davis, U.S. Attorney's Office, District of Idaho, urged Idaho to pay attention to the tragic recitals written in **HCR 33**. He read the last paragraph on page 2, lines 27-30 of the bill. He noted that the U.S. Attorney's Office is where any felony cases concerning Native American issues come. **Attorney Davis** asked that the State look seriously at this very important issue to help the tribes solve their problems.

DISCUSSION:

Senator Souza inquired about the jurisdiction of State and local law enforcement on tribal lands related to communication and cooperation. **Attorney Davis** said there is nothing in public law that prevents local communities from working with tribal members and law enforcement.

Senator Winder asked if there was anything the Legislature could do to bridge that gap. **Attorney Davis** said he has appeared before each of the five tribal councils and they just want to be able to exercise their federally recognized rights. There are some conflicts with local law enforcement, but there are many sheriffs and communities working with their tribal partners.

Chairwoman Lodge requested the members of the Nez Perce Tribe come forward to speak and relate their concerns and stories.

TESTIMONY:

Tai Simpson, Niemi Nation/Nez Perce Tribe and an advocate of the Idaho Coalition Against Sexual and Domestic Violence, spoke of opportunities to expand education and awareness, the adverse effect on indigenous communities because of oppression in the Idaho region, the reach of Idaho nations across borders into other regions, and the opportunity for improved collaboration and communication across agencies to make communities safer for all Idahoans.

Chantel Greene, Secretary, Nez Perce Tribe Executive Committee, told her story about a life of violence, abuse, and drugs for her and her brother, and the death of a cousin. She talked about the trauma, silence, a parent who wouldn't ask for help because of fear, and the vulnerability of the whole family. She explained that she came to tell her story to inspire others to have the strength to speak up and begin their own healing because they do deserve a life free of trauma.

Chairman Lodge and **Senator Stennett** thanked Ms. Greene for her testimony and encouraged her to continue her work and remain strong.

Yvette Tuell, Policy Analyst, Shoshone Bannock Tribes, read testimony from Chairman Ladd Edmo, Fort Hall Business Council, Shoshone-Bannock Tribes (see attachment 1). The letter touched on issues of missing information for missing/murdered people outside tribal jurisdiction, inconsistent data between all agencies, increased risk factors involving domestic violence, potential for human trafficking due to traffic corridors, and the need to improve coordination with the Federal Bureau of Investigation, the U.S. Attorney General's Office, and county and state agencies.

Leslie St. Clair, Assistant Tribal Prosecutor, Shoshone-Bannock Tribal Court and tribal member, provided some history but focused on the court process and the types of cases they are involved with (see attachment 2).

Chairwoman Lodge asked the Shoshone Paiute Tribe members from the Duck Valley Reservation in Idaho and Nevada to come forward.

Janelle Wintersteen, known as Coyote Short, consulting geologist at the Idaho Mining and Geology Museum, stated she is a Paiute-Modoc who graduated from Boise State University (BSU). **Ms. Wintersteen** told her story and described some her experiences as a geologist (see attachment 3).

Melanie Fillmore, Standing Rock Sioux Tribe of South Dakota, stated she is an urban Lakota and has lived in Idaho for 17 years. She is a graduate and a faculty member of BSU with a Doctor of Philosophy in Public Policy. She also works as a data analyst with the Idaho Coalition Against Sexual and Domestic Violence. Her research addresses domestic violence in tribal communities and the effects on American Native people who have been removed from their tribal communities and now live in the cities of Idaho. She described the results of that move. **Ms. Fillmore** concluded by stating the Boise community is a good example of positive outcomes.

Written testimonies relating/communicating/sharing their stories were received from Cynthia Metz; Taushina Eagle, Payroll Clerk Finance Department, Nez Perce Tribe; and Bernie LaSarte, Tribal Elder and Executive Director of the Coeur d'Alene STOP Violence Program (see attachment 4).

MOTION:

Senator Hill moved to send **HCR 33** to the floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

H 548

RELATING TO INITIATIVES AND REFERENDUMS to improve clarity, transparency, and integrity in the initiative process.

Representative James Addis, District 4, explained that **H 548** ensures that: 1.) each initiative covers a single subject which is already required in Article 3, Section 16 of the Idaho Constitution; 2.) each petition signer is made aware they can remove their signature as provided for in Idaho Code § 34-1803B which has been in effect for 25 years; 3.) an effective date is established as described on page 2, lines 27-46 and page 3, lines 1-13 of the bill; and 4.) there is

transparency when a paid signature gatherer receives an aggregate of \$100 or more and is required to report the activity to the Secretary of State's Office. This bill was thoroughly vetted by the Attorney General's Office.

Senator Souza inquired if this bill was in conflict with the initiative bill heard earlier in the session. **Representative Addis** responded that it was not in conflict.

MOTION:

Senator Souza moved to send **H 548** to the floor with a **do pass** recommendation. **Senator Vick** seconded the motion. The motion carried by **voice vote**.

S 1384

RELATING TO FIREARMS to allow school district employees with an enhanced concealed weapon license and under specified circumstances to carry a concealed weapon in a school.

Senator Lakey, District 12, explained this bill is a result of the ultimate evil, when an individual plans and finds a way to enter a school and kill innocent children. There are two things that are important: 1.) the response time is unavoidably measured in minutes but lives are lost in seconds, and 2.) the heroic, but often tragic, effort of a teacher trying to protect the children. **Senator Lakey** stated his appreciation for all those involved in writing this bill including, but not limited to, his fellow Senators, constituents, law enforcement, teachers, school administrators, and Second Amendment advocates. There were many in support but not all. All comments were considered in trying to find common ground. **Senator Lakey** described the components of the bill in detail.

DISCUSSION:

Senator Stennett asked for an explanation on page 2, lines 11-14, page 2, lines 34-37, and page 3 regarding the lack of disclosure to parents. **Senator Lakey** responded that the definition of who may carry a concealed weapon mirrors the definition in the Tort Claim Act. He described what type of person that included. School property includes any property under some type of contract with the school. It would not cover a field trip. Confidentiality is partly due to the endangerment of schools that do not have concealed carry in place; they would be viewed as a target. It could be the assumption of a parent that all school employees are carrying.

Senator Souza asked where this bill indicates gun rights are being taken away. **Senator Lakey** answered that it does not, it is an expansion of those rights for a school employee where otherwise gun rights may be restricted at a school and surrounding areas.

Senator Hill requested information about which school officials were involved in crafting this Legislation and who agreed with this bill. **Senator Lakey** stated he met with representatives and legal counsel from the Idaho Educators Association (IEA), the School Board Administrators Association, individuals from Second Amendment groups, the Idaho Fraternal Order of Police, and the sheriffs and chiefs organizations. In response to a question from Senator Stennett, **Senator Lakey** said it was his understanding that the law enforcement associations are neutral, the School Board and School Administrator Associations are opposed, and he was not sure where the IEA stood.

TESTIMONY:

Karen Echeverria, Executive Director, Idaho School Boards Association (ISBA), explained why they are opposed to **S 1384**. Local governance is an issue. Local elected officials govern Idaho school districts and charter schools, and local school boards already have statutory authority to allow people to carry firearms on school property; she further explained the process. **Ms. Echeverria** stated there were also technical issues, such as no discretion for the district to revoke an employee's ability to carry on school property, nor the ability of a school to prohibit weapons possession by such an individual due to disclosure

limitations – even if they believe that employee is not stable. Idaho Code allows the board of trustees to do these things. Last, regarding notification, everything the school board does is subject to the Idaho Public Records Act or the Idaho Open Meetings Law. Neither of those codes allow for confidential notification.

Brian Judy, Idaho State Director, National Rifle Association (NRA), spoke in support of **S 1384**. He said this bill is narrowly drafted so only employees with an enhanced concealed weapons license will be able to carry on school property and the firearm must be in their immediate possession at all times. Gun free zones in schools is a well-documented public policy failure and the dire warnings extended whenever the expansion of the ability to have firearms is proposed have not materialized. Five states have similar legislation and none are experiencing problems.

DISCUSSION: **Senator Stennett** inquired about the number of incidents prevented by someone carrying in the building, other than law enforcement. **Mr. Judy** replied that he didn't specifically know of any and did not know of any in the five states. **Senator Stennett** remarked that school shootings have occurred in those states.

TESTIMONY: **Paul Stark**, General Counsel, IEA, said on behalf of the IEA, he stands in opposition to this bill based on parental rights in Idaho Code § 32-1010; he read the applicable part. There is a problem with confidentiality and the two codes referred to by Ms. Echeverria. **Mr. Stark** referred to page 3, line 50 in paragraph 8 that addresses immunity and explained how that was a problem.

DISCUSSION: **Senator Winder** addressed unalienable rights; life, liberty, and the pursuit of happiness, and stated he could not see how he must lose his right to liberty by being required to tell a parent. **Mr. Stark** explained what happens when an unalienable right is infringed upon. **Senator Winder** explained that some perpetrators were students or past students and by sending notices home, this could make those carrying weapons targets when, in fact, they could have been a very positive deterrent. **Mr. Stark** presented a scenario he thought would be the best solution for Idaho.

Chairwoman Lodge asked if the parents have the right to know if their child's teacher is carrying a gun. **Mr. Stark**, speaking as a Father, said he would want to know.

Mr. Stark reiterated all the issues regarding this bill and stated his respect for Senator Lakey. This issue should be addressed but this bill is not the right way.

TESTIMONY: **Representative Chad Christensen**, District 32, stated this bill is not about guns, it is about children's safety. He observed that Utah has had a similar bill in place since 2001 and there has been no incident of active shooters on school property in 19 years; the same in South Dakota for 7 years.

Chairwoman Lodge asked all members of the Moms Demand Action (MDA) group to stand and to select some spokespersons from the group.

Nicole Brown, a member of MDA, stated that there is no fiscal responsibility, no procedures, not enough training, and no continued education included in the bill.

DISCUSSION: **Senator Stennett** asked how much training it would take to be proficient hitting the target. **Ms. Brown** stated that the Bureau of Justice Statistics show that law enforcement officers receive 168 hours of training on weapons of self defense and use of force.

TESTIMONY: **Sherry LECTON**, Boise, reading a letter from Chris Hannigan Luther, Coeur d'Alene, stated Ms. Luther's opposition to **S 1384** because it is not evidenced based and would place students, teachers, and staff in danger. It is her opinion that guns do not belong in schools.

Terrence Coach, Boise, MDA, stated she is from a family of responsible gun owners and a former teacher. She said that data points say arming teachers is not effective in cases of taking down an active shooter and the presence of guns leads to increased chances of gun violence at schools.

Kathy Sasser, representing herself, spoke in opposition noting that there is not enough training involved in getting an enhanced carry permit and being allowed to carry in a school.

Mary Brown, representing herself, discussed the training and preparation issue mentioned in other testimony.

Jessica Westhoff, a teacher, read a letter in opposition on behalf of Dr. William Deane and Barbara Deane, Post Falls. Elected school officials are already empowered to pass such policies and determine what is best for their districts.

Deborah Pearson, Boise, read a letter in opposition to the bill from a resident of Coeur d'Alene indicating issues related in earlier testimony.

Jim Vandermaas, retired law enforcement, spoke in opposition of the bill. Members of a SWAT team distract and draw attention away from the children and do not return fire, subsequently, putting themselves at risk. It takes anywhere from 30-45 minutes to arrive at a school.

Susan Bastian, representing herself, and reading a letter from **Sarah Glenn**, Coeur d'Alene, MDA, that mirrors her own beliefs. She voiced concerns about parental notification.

Dave Sasser said he is former military and law enforcement, and spent 30 years as an attorney defending police officers. In addition to other issues, immunity is a primary problem with this bill.

Keri Stanek, Idaho native and gun owner, stated she was a sergeant on active duty in the Army and a gun truck commander in Afghanistan. She said that training was a big issue with this bill and provided information about training required in the military and for law enforcement; her mother was a firearms instructor for the Ada County Sheriff's Office. She spoke in opposition to the bill.

Jenna Schlege-Preheim, representing herself, stated, as a parent, psychotherapist, and a person of faith, she believes this bill is risky and puts children and educators at a higher risk of gun violence for all the reasons that have been heard.

Robin Givhan, Superintendent, Payette School District, spoke in opposition of **S 1384**. She has been a member of the NRA and an educator for 40 years. She does not oppose employees carrying guns in school, that is already allowed by law. However, she opposes removing the opportunity for school boards to have control. Speaking as the largest employer in the City of Payette, there is a wide array of school employees and they do background checks. However, those do not identify instabilities a potential employee may have. As a local superintendent, it is her opinion the local school board should be making this kind of a decision.

Chairwoman Lodge stated they had 54 people signed up to testify in opposition to the bill and 27 signed up to testify in support of the bill. At this time, those supporting the bill will be called to testify.

Mathew Faulks said he represents the Idaho State Rifle and Pistol Association (ISRPA) with 400 members statewide, and additional statewide organizations who are also members of the ISRPA. **Mr. Faulks** stated he is an attorney and NRA instructor and indicated that having an employee carrying a concealed weapon adds a layer of deterrence and puts them in a position to defend themselves and others rather than being a human shield.

Eric Parker, representing The Real 3%ers of Idaho, a statewide organization, recited several news headlines regarding school shootings and asked for support of this bill.

S 1384

Chairwoman Lodge announced the hearing for **S 1384** would be continued on Friday, March 13, 2020 at 7:45 a.m.

**MINUTES
APPROVAL:**

Minutes of February 26, 2020 – postponed until a later date.

ADJOURNED:

There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 11:12 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

*Attachment 1
HCR 33 3-11-2020
Yvette Tuel read letter*

The SHOSHONE-BANNOCK TRIBES

FORT HALL INDIAN RESERVATION
PHONE (208) 478-3700
FAX # (208) 237-0797



FORT HALL BUSINESS COUNCIL
P.O. BOX 306
FORT HALL, IDAHO 83203

STATEMENT OF CHAIRMAN LADD EDMO

Fort Hall Business Council

Shoshone-Bannock Tribes

To the Idaho Senate State Affairs Committee

In support of House Concurrent Resolution 33 on Missing and Murdered Indigenous People

March 11, 2020

Good Morning Madame Chair and members of the committee, my name is Ladd Edmo, Chairman. It has been my privilege and honor to serve as Tribal leader on the Fort Hall Business Council for the Shoshone-Bannock Tribes and to speak on behalf of the Shoshone-Bannock Tribes on the missing and murdered people of our tribe.

Thank you for consideration of House Concurrent Resolution 33 on Missing and Murdered Indigenous People. While there are stringent efforts on other Indian reservations in other states, and we are fortunate not to have the ominous numbers of missing and murdered people on our reservations, any one missing or murdered person is too many.

We have identified many areas of missing information, which includes identification of tribal members who are missing and murdered outside the Fort Hall Reservation, which is outside of tribal jurisdiction, and of cases older than 2000. We also have found that there is inconsistent data categories, with different methodologies and definitions, which makes it difficult to see the pragmatic situation, when it comes to our missing.

An alarming risk factor that lead to murdered people is domestic violence. In Fort Hall, 50% of local murders involve domestic violence. Additionally, our local statistics reflect a higher number of missing and murdered men, rather than women.

Another need is to bring awareness of this situation to our local community, because it directly contributes to retaining confidence in our police and justice systems to support a safe community.

We also have a real potential of human trafficking of our people because our of location on major travel corridors, along Interstate 15 and subsequent interstate travel, to Montana and North Dakota's mining industry.

The Tribes work extensively with the Federal Bureau of Investigation, the United States Attorney General's Office but a significant need that we have is to improve coordination with county and state agencies.

Thus, members of the Committee, the Tribes are pleased to support House Concurrent Resolution 33 that is before the Committee today, and we ask for your support to examine this issue in the next year, that will help promote healthy communities throughout the state.

I would be happy to stand for any questions.

Thank you.

Attachment 2
HCR 33 3-11-2020
Leslie St. Clair

Statement of Leslie St. Clair

Shoshone-Bannock Tribes

To the Senate State Affairs Committee

In support of Concurrent Resolution on Missing and Murdered Indigenous People

March 11, 2020

I, Leslie St. Clair, am an Assistant Tribal Prosecutor for the Shoshone-Bannock Tribal Court, I am also a tribal member of the Shoshone-Bannock Tribes.

I want to thank you for bringing forward this concurrent resolution on our missing and murdered Indigenous people. This is an important issue for all Indigenous people of the United States. I am here to voice my support for the passage of this resolution.

This is important to me, not only as tribal prosecutor, but as a wife, mother, sister, aunt and grandmother. Our Tribal laws and our rights as citizens of our Shoshone-Bannock Nation are just as important as State and Federal laws and rights. The State of Idaho has five federally recognized Native American tribes within its borders. Each tribe is unique. There is a long history of how the State and Federal Governments have worked with and against each tribe in Idaho. With the passage of this resolution, the Tribes hope to gain not only recognition but a renewed commitment to the working relationships with the State of Idaho, Federal Bureau of Investigation and the Federal Court system.

As a Tribal Prosecutor, I have seen firsthand how wrongful deaths at the hands of bad actors have impacts not only the victims and their immediate families, but our entire community. Whether it is someone drinking and driving which resulted in one or more fatalities, the murder of a spouse, the murder of an acquaintance, a missing teen or missing adult, each of these things have impacted our community. Our families suffer the loss and struggle through the trauma of these untimely deaths or absences of their loved one. They want understanding and answers when these deaths and missing persons reports become trending on social media or in the public news forums. While many do get answers from law enforcement, many have to deal with the stigma of negative stereotypes. Regardless of who the victims are, many people say derogatory, hateful and hurtful things about the victim, their family or about the situation, without knowing, or taking the time to find out what the situation is or how it arose. This is the stigma that Indigenous people deal with on a daily basis.

What many people do not understand is that our reservation has our own set of Tribal Laws. As a prosecutor, our office has had to overcome issues of being short staffed, problems with coordination of services from other Tribal, State and Federal departments and agencies when incidents arise involving major crimes or missing persons.

There is a lack of information sharing, a lack of outreach and collaborations from all sides when it comes to issues of domestic violence, missing and murdered cases.

As with any smaller jurisdiction, it is not uncommon for our police department to call on another State or Federal agency to assist, our department may not have the resources or manpower to effectively respond to an incident, or it is a case where outside law enforcement assistance is mandated. There

pr

have been many incidents of this occurring. Many times the collaboration of these incidents have been positive, with effective communication and collaboration and with successful prosecution through State, Federal and/or Tribal Court. Our Tribal Court, Fort Hall Police Department and outside agencies should be working together to collectively build these cases to effectively prosecute the bad actors so that justice is served. The rights of the defendants and victims should be protected and justice for both should be served.

Another issue that our reservation faces is Domestic Violence. As stated by the others who are testifying, in writing or orally, domestic violence is a prevalent problem on the Fort Hall Reservation. Law enforcement, victim's advocacy program(s) and Tribal Courts need to work more cohesively to ensure reports, orders, prosecutions, and victim advocacy are being handled appropriately and in the best interests of justice for the defendant, victim and community. We do have policies and procedures in place however, those policies and procedures are only as effective as those who practice them. At times one obstacle all of our programs face is a lack of communication and collaboration between all departments which makes for ineffective prosecution and disposition of a domestic abuse case.

The obstacles we face is not a constant. There are many times when each department and program effectively collaborate on an incident and the victim and family are safe, the defendant is charged and prosecuted, and the judgment is fair and the victim feels as if justice has been served. This scenario is only possible when each department works together and there have been many incidents where the outcome is positive.

As cited by others, we have only 16 known cases of murdered cases in our jurisdiction since 2000. This is number is low, we would like to keep this number low, but we as a Tribe and community need to work together to maintain such a low statistic. Our location, along a 'main vein' of the interstate system, having limited jurisdiction over Native Americans only, and lack of awareness and reporting makes the Fort Hall Reservation and surrounding communities a prime target for increased drug and human trafficking crimes which has a direct correlation to substance abuse, domestic violation, general crimes which can lead to missing and murdered individuals.

Many times Tribal Prosecutors cannot effectively prosecute a case because of witness, victim or community fear of repercussions. With passage of this resolution there are issues that will be addressed and solutions offered such as training and awareness for dangerous situations, policies to address unwanted activities within the community, tip lines, and awareness of reporting and reliving the community fear of reporting such activities. We as a community should be promoting proactive efforts not reactive efforts. I am urging you to vote yes, for this concurrent resolution.

I would be happy to stand for any questions.

Thank you.

Leslie St. Clair
Assistant Tribal Prosecutor
Shoshone-Bannock Tribal Court

Twyla Melton

Attachment 3
HCR 33 3-11-2020
Janell Wintersteen

From: janelle wintersteen <calendula14@hotmail.com>
Sent: Friday, March 13, 2020 12:55 PM
To: Twyla Melton
Subject: Indigenous Women _ Testimony from Coyote Short

I am the Consulting Geologist at the Idaho Mining and Geology Museum. I have been informed that Idaho is the only state whose Consulting Geologist is native American. My father's mother was a Paiute from Duck valley and my mother's family were Modocs from the Oregon and California. I graduated from Boise State University, I have passed the Idaho State Certification exam. At the museum I insist no rock specimen be discarded until I have examined it. I started doing this after some "pebbles" in the waste basket, pebbles that I pulled out and discovered to be rubies from northern Idaho.

It was not easy to get my geology degree from BSU, especially since I insisted on specializing in mining and in mineral ores. Most women at BSU graduate as Hydrologists because there is less prejudice in that aspect of geology against them. I experienced insults and active attempts to get me out of BSU because I insisted on the studying the hard science of geology. One professor, from whom I had to take 3 classes, went all the way to the BSU president protesting my presence in his classes. He seemed equally outraged by my being a woman and being Native. In not only his class but others, I had to prove myself academically over and over. Prejudicial comments about my race and my gender were the norm. I fought professors pushing alcohol on me, disrespecting me, and demanding that I get a boyfriend or a husband. All other Natives, male and female whom I met in my classes, were driven out before they graduated.

I also narrowly escaped being one of the Native women who were murdered or whose bodies were never found. In my twenties, I did mining in the back country of the west, especially Montana. I was finding gold for one group of miners when one decided that he wanted more than gold. I was assaulted, beaten, thrown over a cliff, and left for dead. Blackberries cushioned my fall. I survived. I was woodswise enough to know how to get out of the area. Those miners found no more gold after I was "gone." Still, it is amazing that I am testifying before you and identifying specimens at the museum instead of being a moldering heap of bones somewhere under a steep fall.

Even now, some male visitors to the museum, when they realize that the specimens they want identified go to a woman geologist, go into fits of rage. Men and women both have cursed me and told me I do not deserve to do the work I do at the museum. The occasional Native American visitor asks me how I managed to get through the university without being driven out. I have to apply a lot of self control get through many situations. I have to remember that I am the professional. Thankfully most people just want their rocks identified, which I love to do. Late last fall I had a day when 3 people brought in meteorites. The Owyhee valley has yielded some incredible fossils finds that people have brought to me. I carefully identify the rocks both children and adults bring to me, never just saying carelessly that "It just a piece of quartz." All rocks are precious in my view.

Good morning,

Attachment 4
HCR 33 3-11-2020
Other Written Testimonies

My name is Cynthia Metz, I am Matthew Jay Broncho's mother he was born November 13, 1984 in Boise, Idaho. He attended schools in Blackfoot, Idaho and graduated from Sherman Indian High School in Riverside, CA in 2003. He attend College in Durango, CO and Idaho State University gradating with a Bachelor of Science Degree in 2008. He was an employee for the Shoshone-Bannock Tribes and was a school board committee member for the Shoshone-Bannock High School.

On Wednesday, March 20, 2019 he mysteriously disappeared.

The last conversation I had with him was at home he left home driving a Ash Gray-2011 Toyota Tacoma double cab pickup truck, he took his 3 year dog a red Dachshund. During our conversation that day he made no indication that he had planned on leaving home for an extended length of time.

With no word from Matthew by Friday morning, March 22, I became concerned and was able to locate his cell phone via GPS and after checking with other family members, I decided to drive to the location given by his cell phone, we located the pickup truck about 8 p.m., it was left parked on Interstate 84, exit 7 off-ramp about 300 yds. from the stop sign in Snowville, UT (133 miles from home). Inside the vehicle was his cell phone and wallet containing his Driver's License, Tribal ID and bank cards. That night I searched and asked restaurant employees & gas station attendants in Snowville if they had seen him. No one recognized him from photos, I left my name, # and asked them to call me if they see him or his dog. During my search to locate Matt that evening I did contact the Box Elder County Sheriff's in Brigham City, Utah, (53 miles from Snowville, UT) the dispatcher informed she would pass on the information to the Deputy on duty and also informed that her officer could not respond as he was on another call. She informed when the officer is off this other call it would take 30 minutes for the officer to get out to Snowville. I decided

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that since it was late and snowing to head home. My thoughts at the time was he was probably already home or on his way home.

When Matt did not return home the following day Saturday, March 23, I filed a missing person report with the Fort Hall Police Department. The Fort Hall Police Department informed that they would contact Box Elder County Sheriff's Office in Brigham City, Utah. Family and friends began their own search on Sunday, March 24rd returning to Snowville, Utah. On Monday March 25th I went to Brigham City to file a missing person report with Box Elder County but because I already filed at home they supposedly already had the information they needed? On that day we proceeded to Snowville to search and continued our search everyday after.

On the evening of March 27th, 6 days later. I was contacted and informed by a resident in Snowville, Utah that Matthew's dog was found at Exit 5, 2 miles west of exit 7 from where the truck was found in Snowville, UT. Upon calling Box Elder County Sheriff's Office to inform the dog was found I was informed that Box Elder County Search and Rescue was already out conducting an extensive search for Matt that evening and that they didn't want family members out looking as they were professionals and didn't want people in the way. The following day 50 family members and friends, Shoshone-Bannock Fish & Game from Fort Hall were there to assist with an extensive search in Snowville, Utah.

Family members walked within a 10 mile radius on the outskirts of Snowville and went to homes within the town handing out flyers. No person in the town reported seeing Matt or his dog. Also we requested for use of a drone but needed special approval from FAA and landowners. The family used a non-commercial drone to help in our search of the rough terrain. Also on Thursday March 28, 2019 a volunteer search and rescue dog team responded but was unsuccessful partly due to the length of time of his disappearance and it had snowed and rained since.

A high school girl later in the week reported seeing Matt on the day he disappeared her description of Matt was vague, she informed she saw him walking his dog near the exit 7 ramp at 4 p.m., where the truck was located.

On March 29th, Matt's truck, phones, wallet were retrieved by Fort Hall Police Detectives and stored at their facility until Box Elder County Detectives in Brigham City, Utah were able to process the vehicle for an investigation.

In the course of investigating personal belongings retrieved from the truck could not be used as it was determined to many people had handled items in the vehicle after his disappearance. I believe phones calls made to his phone in the days prior to his disappearance are vital to his case better was not carefully investigated.

Also, video from security cameras were not requested right away then when investigator requested video was not available.

Throughout the months since Matts disappearance several individuals have been questioned and have been asked if they would come in for a polygraph test, which they refused. At the time the Fort Hall CI said he would work on a court order this has never happened and I don't know if the CI that was working on Matts case even caught up to the individuals he planned on questioning.

As for the Box Elder Co. Detective Scott Lewis, he stated he talked to several individuals in Snowville and had no leads there.

The Box Elder County Sheriff Department inform that they have gone to Salt Lake and handed out flyers and have followed some reports of sightings, m however those reports turned out to be mistaken identity. Myself and family have also traveled to Salt Lake area where transients hang out and handed out flyers.

Even though I know my son would never want to live homeless life. His home and family are in Fort Hall he knows if he needed anything he could come to us.

Since January the CI that was working on Matts case took another job and 2 other CI's also resigned, leaving only 2 CI's to handle cases in Fort Hall. I have been in contact with a CI who says he will do what he can until they can get a CI officially assigned to Matts case. Currently FHPD advertised for 2 CI's once hired it would take a year for them to train and certify, then they can start handling cases. But for the time being all the cases in FH will need to be review and assigned among the 2 remaining CIs.

This news is frustrating because its seems his case is at a stand still. Matts case shouldn't have long time periods where nothing is done.

My family in the last year have gone through unimaginable emotional pain of not knowing what happened to Matt. We pray everyday that he will walk through the door.

I am here today hoping to get support to assist the families of MMIP to help them get answers, to get quicker response time when a person is missing, to get professional and timely investigations, improve communication and coordination across jurisdictions, utilize resources to find missing.

Our family will continue to look for Matt.

Thank you for your time.

All lifes matter, men are no different.

Box Elder County Sheriff Kevin Potter or Detective Scot Lewis,
@(435) 734-3881 and the Fort Hall Criminal Investigators Office
@(208) 478-4000.



MISSING

Missing And Taken Indigenous People

Matthew Jay Broncho

Fort Hall ID

Missing 3-20-19

**Age 34 - Black Hair - 195 lbs
Brown Eyes - 5' 10" Tall**

**Last seen in gray sweatshirt,
blue jeans, black shoes,
& black "Raiders" hat**



Matthew's 2011 Toyota Truck was found 95 miles south in Snowville UT. Was reported seen 3-21-19 parked on I-84 exit 7 eastbound in Snowville. He was walking his Dachshund dog, which was found 6 days later. His phone & wallet were in the truck.

If seen, or you have information that can help find Matthew, call Fort Hall Police (208) 238-4000 Case# LI-1903616 or leave anonymous text tip at TIP411

NamUs# MP 56310

(6-23-19)

P.A.S

From: Taushina Eagle TaushinaE@nezperce.org 
Subject: Norma Eagle
Date: March 4, 2020 at 10:48 AM
To: Tai Simpson tai@engagingvoices.onmicrosoft.com



Norma Eagle was adopted to a sayopoo family in the late 50's with my dad (her older brother), Ramon Eagle. Their biological parents were the late MaryJane Moody (Nez Perce) and Raymond Eagle (Nez Perce and Umatilla). They both endured physical abuse at the hands of their adopted dad, and were daily referred to as, stupid. Their "dad" adopted them as a punishment to his wife, punishing her with the burden of having to raise more kids, (4 total). By all appearances they were in a good family, the dad was a medical doctor, the mom a nurse.

Their dad would take static pictures of them, making them pose on hikes or family outings. My dad recalled being screamed at until the pose was just right. The abuse was so bad that my dad believed he would eventually be killed. He left the day after he graduated high school, no plan for the future, he just took off hitch-hiking. He made it back to his home in the PNW and reunited with his birth family. He worried about Norma but he didn't call his adopted family until five years later. On that call his "dad" informed him that Norma had ran away. Years later his "dad" said her body was found in a shallow grave.

My dad was deeply bothered by his sister's disappearance and he wanted closure but he didn't have the emotional equanimity to pursue that. My mom took on the role of an amateur sleuth and made it her mission to find Norma for my dad.

Fast forward: Norma's remains were positively identified on August 24, 2018, six days after my dad died. She had been kicked out of her home in the early 70s, she crossed the road of a busy street and was struck by a vehicle. She didn't die immediately. She was taken to a hospital and died the next day, she died alone. No "family" looked for her. Her "dad" wasn't there to hold her hand as she died. She was stored away in a morgue with no name for almost 50 years. Had she grown up in a family, a real family, a family with love, someone would have worried about her, someone would have looked for her. Her and my dad were only adopted so that their presence would punish their mom.

Sidenote: my dad referred to his adopted mom as an angel. She was beaten up by her husband and was also called stupid. She would get punched in the face in front of all the kids. My dad recalled that she had reached out to the Umatilla Tribe and had ordered some powwow music. She tried and I believe she did her best given her circumstances.

Norma was finally laid to rest at the Nez Perce National Historical Park cemetery in Spalding, Idaho in May of 2019.

Taushina Eagle
Payroll Clerk
Finance Department
Nez Perce Tribe
(208)843-7317 ext. 3844
TaushinaE@nezperce.org

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Missing & Murdered Indigenous Women

Testimonial

Native American women are beaten 3 ½ more than any other race in this country, one in 3 native women will be raped and often that number amounts to 100% on some reservations. Native American women suffer the highest rates of violent beatings and assaults. Why???

Why..... why..... why..... I ask

Why are Native women treated so badly? Why is it tolerated in today's society that they are treated this way? Why hasn't someone, anyone stepped up before now? Why did it take this long for people to recognize this scourge against Native women? Is it because the life of a Native woman is not as important as others? Is this genocide?

Why..... why.....why..... I ask

Why is someone not looking for my daughter, my mother, my auntie, my cousin? Why was she disposed like she were garbage in a ditch? Why didn't anyone bother to ask who she is and where did she come from? Why isn't anyone looking for her killer? Why isn't anyone asking any questions I ask

Why.....why.....why..... I ask

Why doesn't anyone care what happened to her? Why isn't her Tribe even asking what happened to her? Why isn't anyone held accountable for destroying her life? Why isn't anyone held accountable for destroying her family's life?

Why..... Why.....why.....I ask

Why do they say, "it isn't my jurisdiction?" Why do they say, "she put herself in that situation" Why? Did she expect to be murdered? Did she ask to be murdered? Did she fight for her life? Did she scream and claw for her life? Did she try to run? Did she call for someone with her last breath?

Thank you.

Bernie LaSarte
Coeur d'Alene Tribal Elder
Coeur d'Alene STOP Violence Program, Executive Director

AGENDA
SENATE STATE AFFAIRS COMMITTEE
7:45 A.M.
Room WW55
Friday, March 13, 2020

SUBJECT	DESCRIPTION	PRESENTER
<u>RS27934</u>	RELATING TO PROPERTY TAXES to re-establish the index on the Idaho Homestead exemption and increases the exemption.	Senator Vick
<u>RS27715</u>	RELATING TO PROPERTY TAX RELIEF to revise provisions regarding income limitations and tax reduction amounts for the Property Tax Relief Program.	Senator Anthon
VOTE ON GUBERNATORIAL APPOINTMENTS:	The Gubernatorial Appointment of Patricia Perkins to the Treasurer's Investment Advisory Board. The Gubernatorial Appointment of Dale McOmber to the Idaho State Building Authority. The Gubernatorial Appointment of Mark Ciavarella to the Idaho State Building Authority.	
GUBERNATORIAL APPOINTMENTS:	The Gubernatorial Appointment of Anthony Vahsholtz to the Idaho State Building Authority.	Anthony Vahsholtz, VP, Bank of Idaho
<u>S 1386</u>	RELATING TO DAYLIGHT SAVING TIME for areas of Idaho on Mountain time to remain on that time zone throughout the year under a specified condition.	Senator Patrick
<u>H 575</u>	RELATED TO LIQUOR STORES to establish a framework for tasting at state-owned and operated liquor stores.	Senator Souza
<u>H 525</u>	RELATING TO PUBLIC MONEYS to prohibit the transfer/expenditure of public monies to organizations who are providers of abortion services with certain federal exceptions.	Senator Lent
<u>SJR 104</u>	A JOINT RESOLUTION proposing an amendment to the Idaho Constitution relating to warrantless arrests in certain cases.	Senator Burgoyne
<u>H 516</u>	RELATED TO CONCEALED WEAPONS to revise a certain exception and to remove surplus verbiage.	Senator Rice
<u>S 1384</u>	CONTINUED - RELATING TO FIREARMS to allow school district employees with an enhanced concealed weapon license and under specified circumstances, to carry a concealed weapon in a school.	Senator Lakey

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Harris

Sen Hill

Sen Winder

Sen Vick

Sen Anthon

Sen Souza

Sen Stennett

Sen Buckner-Webb

COMMITTEE SECRETARY

Twyla Melton

Room: WW42

Phone: 332-1326

Email: [sstaf@senate.idaho.gov](mailto:ssaf@senate.idaho.gov)

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, March 13, 2020

TIME: 7:45 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and Buckner-Webb (Rohn)

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** convened the Senate State Affairs Committee (Committee) at 7:45 a.m.

RS 27934 **RELATING TO PROPERTY TAXES** to re-establish the index on the Idaho homestead exemption and increase the exemption.

Senator Vick stated that **RS 27934** raises the existing homestead exemption to \$120,000 and reinstates the indexing.

MOTION: **Senator Winder** moved to send **RS 27934** to print. **Senator Hill** seconded the motion. The motion carried by **voice vote**.

RS 27715 **RELATING TO PROPERTY TAX RELIEF** to revise provisions regarding income limitations and tax reduction amounts for the Property Tax Relief Program.

Senator Anthon said this tax relief program is for people 65 and older, widows, the blind, the fatherless, the motherless, former prisoners of war, and veterans and others who are disabled. This bill makes changes in the program so that those who need it the most are eligible.

MOTION: **Vice Chairman Harris** moved to send **RS 27715** to print. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

VOTE ON GUBERNATORIAL APPOINTMENT: **Vice Chairman Harris** moved to send the Gubernatorial appointment of Patricia Perkins to the Treasurer's Investment Advisory Board to the floor with the recommendation that she be confirmed by the Senate. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

VOTE ON GUBERNATORIAL APPOINTMENT: **Senator Winder** moved to send the Gubernatorial appointment of Dale McOmber to the Idaho State Building Authority to the floor with the recommendation that he be confirmed by the Senate. **Senator Hill** seconded the motion. The motion carried by **voice vote**.

VOTE ON GUBERNATORIAL APPOINTMENT: **Senator Vick** moved to send the Gubernatorial appointment of Mark Ciavarella to the Idaho State Building Authority to the floor with the recommendation that he be confirmed by the Senate. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT: **The Gubernatorial Appointment** of Anthony Vahsholtz to the Idaho State Building Authority (ISBA).

Anthony Vahsholtz, Vice President and Commercial Lending Area Manager, Bank of Idaho, stated he has been in banking since 1998 and, with

his experience in real estate and finance, could be an asset to the ISBA. This is a way to serve the State in some capacity.

Chairwoman Lodge thanked Mr. Vahsholtz for coming before the Committee and explained that voting would be sometime the following week.

S 1386

RELATING TO daylight saving time for areas of Idaho on Mountain time to remain on that time zone throughout the year under a specified condition.

Senator Patrick, District 25, explained that **S 1386** is related to Southern Idaho and daylight saving time in the Mountain time zone. Utah and Wyoming have both passed legislation to stay on daylight saving time in the Mountain time zone year-round and this bill will allow Idaho to do the same.

MOTION:

Senator Vick moved to send **S 1386** to the floor with a **do pass** recommendation. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

H 575

RELATED TO LIQUOR STORES to establish a framework for tasting at state-owned and operated liquor stores.

Senator Souza introduced Kate Haas to present the bill.

Kate Haas, Kestral West, said she was speaking on behalf of the Distilled Spirits Council. **Ms. Haas** explained that **H 575** is a narrowly drafted bill allowing tasting of liquor in a State liquor store. She noted it supports the constitutional mandate for temperance then outlined primary aspects of the bill: the sample size would be one quarter ounce, that is one and one-half teaspoon; the supplier would be responsible for all aspects of setting up, monitoring, handing out the product, and anything related to this activity; employees of the store would not participate in any way; the tasting would occur in a roped off area; and the supplier retains all liability. **Ms. Haas** expounded on other requirements: the consumer must be 21 years of age or older; contract stores are precluded from this practice; samplings would only be allowed in State run stores; the Idaho State Liquor Division (Division) cannot promote these tastings; and upon approval of a tasting, the Alcohol Beverage Control (ABC) must be notified.

Ms. Haas stated that the Idaho distillers view this as a business issue that could be very helpful to them. This bill allows sampling in a safe and controlled environment and strikes a balance between helping these businesses while recognizing the importance of temperance.

DISCUSSION:

Chairwoman Lodge asked for a reminder on how these tastings would be approved. **Ms. Haas** said if a supplier wanted to have a tasting, they would have to get the time, place, and details approved by the Division so there would be control as to number and locations of those tastings.

TESTIMONY:

Chris Kelch, the Owner/Operator of Northstar Spirits, said he is a small company that brokers for a majority of Idaho's small distilleries, as well as products from outside the state. This is a way to give those in the craft industry the opportunity to get products out to the public. They are aware of the rules and guidelines set by the ABC and the Division and agrees these regulations will provide a safe way to sample a product.

MOTION:

Senator Anthon moved to send **H 575** to the floor with a **do pass** recommendation. **Senator Souza** seconded the motion. The motion carried by **voice vote**. **Vice Chairman Harris** requested to be recorded as voting nay.

H 525

RELATING TO PUBLIC MONEYS to prohibit the transfer/expenditure of public moneys to organizations who are providers of abortion services with certain federal exceptions.

Senator Lent, District 33, deferred to Brandon Durst, former State Senator. **Mr. Durst** stated that the bill is designed to ensure taxpayer dollars are not going to the abortion industry; that is prohibited by federal law. However, there is the fungibility of those dollars such as paying for facilities, employees, and other business expenses. He noted that he has some amendments and went through the bill explaining where those would apply and what sections of the bill would be eliminated: Section 3 would be stricken in its entirety, and Section 2, (a) and (c) would be stricken, (b) would remain. These changes would also comply with the Attorney General's and the Idaho Hospital Association's concerns. A new Section 4 would be added related to school districts. There is a concern that some school districts are partnering with abortion providers for the provision of sexual education. Also, the phrase appearing in every section, "notwithstanding any other provision of federal law to the contrary" would be removed.

DISCUSSION:

Senator Hill asked if the amendments comply with the amendments suggested by the Attorney General (AG) and has the AG reviewed the addition related to school districts to see if all changes are defensible. **Mr. Durst** replied those amendments have not been reviewed by the AG. All amendments will be reviewed by the AG and that report will be available if this goes to the 14th Order of Business.

Senator Stennett stated that the suggested changes seem to be a complete change from the original bill and it will still need more work; all that is expected to be accomplished in the 14th Order. Maybe it should all be redone. **Mr. Durst** responded that the only changes were those found to be problematic by the AG's office, the hospital associations, and other groups that have a vested interest in the delivery of healthcare. **Senator Stennett** asked if there would be confirmation on these amendments prior to going to the 14th Order. **Mr. Durst** said that they could get an analysis from the AG's office quickly.

Representative Brian Zollinger, District 33, said they have made changes to alleviate the concerns from the AG and those related to Title 19 laws.

Representative Zollinger did not anticipate any conflicts with the amendments and they will get another AG's opinion prior to going to the 14th Order.

TESTIMONY:

Toni Lawson, Vice President, Idaho Hospital Association, representing 46 community hospitals across the state, said she was not aware of the proposed amendments. There is still one concern, the bill only addresses State funding issues; Idaho has county and district hospitals that receive funds from counties and districts as well as from the State Catastrophic Fund and County Indigent Programs. **Ms. Lawson** said she isn't sure the changes will address county and district hospitals. She stated they support sending the bill to the amending order and would like the opportunity to work on this bill.

Misti Tolman, Idaho State Director for Planned Parenthood Northwest and Hawaii, stood in opposition to **H 525**. **Ms. Tolman** stated that Idaho already prohibits public funding for abortion as required for the Hyde Amendment (1976). This bill would be a direct attack on Planned Parenthood and have a devastating impact on patients who depend on them for high quality preventive care.

Jackie Wakefield, on behalf of Idaho Right to Life, spoke in support of the amendments for **H 525**. **Ms. Wakefield** provided some statistics regarding abortions in Idaho and specific locations. **H 525** would prohibit public funds from going to any individual or organization that provides abortions. She stated abortion is not healthcare.

Natalie Perry, representing herself, spoke in opposition to this bill and stated

that Planned Parenthood provided her with contraceptive medication to control a medical problem during times when her parents' insurance no longer covered her. She turned to Planned Parenthood for medication that was free. Organizations such as this fill a void for those populations that do not have insurance coverage and cannot afford care.

Donna Harwood, representing Lions Pride stood in opposition to this bill.

Blaine Gonzatti, Director, Family Policy Alliance, supported the amendments to **H 525**, especially the new section that bars school district funds going to the providers of abortion.

Elizabeth Finley, representing herself, spoke in opposition to this bill. She pointed out two reasons this bill shouldn't pass: 1.) women who seek to terminate a pregnancy but do not have the means will seek an unsafe alternative; and 2.) women who are forced into being a parent may not be financially or emotionally prepared to be a mother.

Kathy Griesmeyer, Policy Director, ACLU of Idaho, stated their opposition to **H 525**. **Ms. Griesmeyer** reiterated the reasons that Planned Parenthood should not be defunded. She discussed how this could affect women's time in the paid workforce. **Ms. Griesmeyer** pointed out that the restrictions in this bill have a disproportionate impact on low income women, women of color, immigrant women, and young women. She said nearly 52 percent of all patient visits to Planned Parenthood were those patients enrolled in Medicaid. Courts across the country have found that attempts to penalize abortion providers from receiving public funds for non abortion related care is unconstitutional for healthcare providers engaging in their Fourteenth Amendment protected activities. A Florida law was struck down in August, 2016 that concluded the defunding provision does not survive the Unconstitutional Court Conditions Doctrine.

DISCUSSION:

Senator Stennett confirmed that Ms. Griesmeyer had not seen the amendments. She said even if these changes are made, this would be contested and more taxpayer dollars would be wasted in court. She asked if taking away the ability for a provider of abortions to give any kind of health care would be contested. **Ms. Griesmeyer** said, from a constitutional standpoint as it relates to the unconstitutional conditions, penalizing an abortion provider by restricting their access to public funds for non abortion related activities is what the court has deemed essential in striking down the law in Florida and Utah. There have been a number of cases that could be reasonably applied to this law if it were to be moved forward.

TESTIMONY:

David Ripley, Executive Director, Idaho Chooses Life, stated they support this legislation with the amendments. It is a powerful move to restrict the access of abortion providers to local government funding and the narrowing of the scope of this bill will also solve a number of legal questions.

Jennifer Martinez, testified in opposition to the bill on behalf of the Idaho Coalition Against Sexual and Domestic Violence (Coalition). The Coalition has a membership that consists of Idaho's 24 community and tribal based domestic and sexual violence programs with an additional 50 allied organizations located throughout the state. Idaho is a vast and rural state where healthcare can be limited. By removing crucial funding, Planned Parenthood could not provide vital services that anyone can access and they are often the only reliable, trusted services available.

DISCUSSION:

Senator Anthon asked if Ms. Martinez's testimony was a concern that victims of sexual violence would have a more restricted access to care or is it opposition to restrictions on abortion in Idaho. **Ms. Martinez** responded it is both, and explained that sexual assault victims should be able to access healthcare

wherever they chose. The Coalition also has a partnership with Planned Parenthood and she explained the context of that partnership.

TESTIMONY: **Chairwoman Lodge** stated she had just received a late sign up sheet for Astrid Wilde and Denise Cavigiozzi to testify; both were in opposition to the bill.

Christian Welp, representing the Catholic Churches in Idaho, stated they support the amendments put forward.

DISCUSSION: **Senator Lent** yielded to **Representative Zollinger** who stated that the amendments have not been seen by all involved but they would get them distributed which will solve many of the concerns. This bill is not dealing with Title 19 funds or Medicaid funding. Concerning the jurisprudence, **Representative Zollinger** explained that the most recent court decision was from March 13th, 2019, *Planned Parenthood of Greater Ohio vs Hodges*, and the point of that case paved the way for other states to prevent public monies to be used to fund abortions through the fungibility of money. The U.S. Ninth District Court of Appeals, on February 24, 2020, upheld the Trump Administration rules to bar health care providers from referring patients for abortions. **Representative Zollinger** said the surveys he has seen show that 60 percent support this. Even if they are pro choice and support abortions, they are against public funding for abortions. In his opinion, with the amendments, the bill is on solid ground. He also said they would look at the county hospital situation.

MOTION: **Senator Anthon** moved to send **H 525** to the 14th Order of Business for possible amendment. **Vice Chairman Harris** seconded the motion.

SUBSTITUTE MOTION: **Senator Rohn** moved to hold **H 525** in Committee. **Senator Stennett** seconded the motion. The motion failed by **voice vote**. **Senators Stennett** and **Rohn** requested to be recorded as voting aye.

VOICE VOTE : The original motion carried by **voice vote**. **Senators Stennett** and **Rohn** requested to be recorded as voting nay.

SJR 104 **A JOINT RESOLUTION** proposing an amendment to the Idaho Constitution relating to warrantless arrests in certain cases.

Senator Burgoyne, District 16, distributed the following handouts related to this bill (see attachments 1-5):

1. *State of Idaho vs Peter O'Donald Clarke* (Clarke) decision from which this constitutional amendment arises.
2. The Attorney General's opinion that indicates that this constitutional amendment would likely pass under federal constitutional law.
3. A list of State statutes authorizing warrantless misdemeanor arrests which Clarke invalidates.
4. Two statues, Title 18 and Title 19 authorizing warrantless arrests.
5. A statement of support from the Superintendent of the Moscow School District #281.

Senator Burgoyne yielded his time to co-sponsor Representative Goesling.

Representative Bill Goesling, District 5, stated that **SJR 104** is important because it deals with Idaho's most important resource, its children. He noted the Committee would hear from school safety stakeholders as to why this bill is an important step in ensuring that schools are physically safe. **Representative Goesling** related an occurrence that happened in Moscow on March 29, 2018 when there was a physical threat at one of their schools and the aftermath

of that experience. Legislation that would have been helpful was ruled unconstitutional by the Idaho Supreme Court.

TESTIMONY:

Dan Hall, Chief of Police, Jerome Police Department, representing the Idaho Chiefs of Police Association (ICOPA), stated their support of **SJR 104**. He related examples from ICOPA members from across the state about how the Clarke decision has impacted law enforcement and puts the citizens they protect in difficult, and sometimes dangerous situations. There has been no clear direction in taking a misdemeanor suspect into custody in any situation that may be detrimental to public safety; there is confusion and inconsistency within the law enforcement community. There are problems accessing judges in both large and small communities; in larger areas, judges are too busy and in smaller areas there may be no judges at all. Judges also may not have access to computers and/or WiFi to review paperwork. Getting a warrant is personnel intensive. **Chief Hall** explained the consequences of those situations. He asked that, in the interest of public safety, the Committee support this constitutional amendment.

DISCUSSION:

Senator Vick asked if passing this amendment would change any practices that were being done prior to the court decision. **Chief Hall** stated his belief that this amendment would restore the practices in place before the Clarke decision. He noted that it also gives the Legislature the authority to determine which of the offenses could lead to arrest based on probable cause.

TESTIMONY:

Kieran Donahue, Sheriff, Canyon County, emphasized that this bill puts law enforcement back to pre Clarke decision practices. The current situation makes it almost impossible in rural areas to keep people safe while trying to obtain a warrant; at times, it takes three or more hours. About 50 percent of the cases are domestic violence and the Clarke decision affected those in a very negative way, especially in rural areas.

DISCUSSION:

Senator Vick inquired about the percentage of cases of domestic violence resulting in an arrest. **Sheriff Donahue** answered that about one-half are arrested depending on potential volatility or lethality.

Senator Anthon asked if law enforcement would have the same authority as they had prior to Clarke if the constitutional amendment were to pass. **Sheriff Donahue** stated his belief that it would not give them any more authority nor would it be more enforced. The officers use a great amount of discretion in the streets.

Senator Stennett asked for an example of a time when an officer would not be involved or right on the scene. **Sheriff Donahue** said it was very rare when they would be present at an incident. They are typically called and then dispatched to the scene. In rural areas, it could be some time before an officer would get to the scene.

Senator Anthon asked why this legislation is so important in the case of a DUI. **Sheriff Donahue** deferred that question to an officer on the street.

TESTIMONY:

Chad Bingham, Patrol Sergeant, Canyon County Sheriff's office, said he was basing his testimony on the dangers the Clarke decision poses for the public, victims of domestic violence, DUI cases, and officers. He went through the scenario of a domestic violence case and what would happen prior to Clarke and what happens now after Clarke for insight on the challenges they now face from a "boots on the ground" perspective. The long process now required to put a misdemeanor suspect into custody creates a shortage of officers and creates a risk to public safety and a risk to the officers who are already performing a difficult and dangerous service. **Sergeant Bingham** said a valuable tool has been lost. Only the Legislative branch has the ability to put it back.

Dr. Lisa Bostaph, Professor of Criminal Justice, Boise State University, noted that she has been pursuing a research project over the last three months to study the effects of the Clarke decision on police response to domestic violence in Idaho. **Dr. Bostaph** reported that arrests in misdemeanor domestic violence cases has 30 years of valid research that demonstrates a significant reduction in future domestic violence cases if arrests are made at the misdemeanor level. It is one of the reasons why most jurisdictions across the U.S., excepting Idaho, have the ability to make a misdemeanor warrantless arrest in domestic violence situations. **Dr. Bostaph** added one more concern, the ability to obtain a civil protection order for victims of domestic violence. Violations of those orders are misdemeanors, meaning the officer cannot arrest without having that violation occur in their presence, rendering those orders moot for victims of domestic violence.

DISCUSSION:

Senator Anthon noted there are many jurisdictions in the U.S. following what Idaho has today. He asked what the data shows in those jurisdictions. **Dr. Bostaph** responded that they did a sweep of all 50 states to determine where officers obtain their warrantless arrest abilities; every jurisdiction in the country with that ability has it through statute. That ability may be limited to certain crimes, but they all have warrantless arrest abilities.

TESTIMONY:

Janet Bennetts, Ada County Prosecuting Attorney, spoke on behalf of her office and the Idaho Prosecuting Attorneys Association in support of **SJR 104**. **Ms. Bennetts** limited her testimony to two items.

1. Clarke struck down warrantless arrests for assault, battery, stalking, violation of a no contact order which is a criminal act, violation of a protection order, and threatening violence on school grounds. Although Clarke did not address DUI cases, it struck down warrantless arrest for DUI and that includes other items such as negligent homicide or a misdemeanor crash case resulting in death. It is important to note that in Clarke, the Idaho Supreme Court recognized the consequences of this decision and how it would impact Idaho. She quoted that opinion (see attachment 1, page 9, last paragraph). **Ms. Bennetts** agreed with Dr. Bostaph that without arrest intervention on a misdemeanor, violence will escalate.
2. The other impact is that court opinions across the state are varied in how they are handling the Clarke decision. There are different opinions about whether or not it applies to a DUI; and there is case law that says Clark applies to a DUI, there is a case that says it doesn't. There have been DUI cases that resulted in the court holding that the evidence was suppressed. Clarke is having an impact in the DUI arena.

Brian Keen, Sergeant, Ada County Sheriff's Office, discussed the specifics of a DUI arrest with the timetable to get a warrant to make that arrest, and the number of deputies involved.

Nolan Zorn, Deputy, Ada County Sheriffs Office and member of a DUI instructor team, stated he has seen the process prior to the Clarke decision and now they are on the other side of Clarke. **Mr. Zorn** provided a scenario that explained what the changes were.

DISCUSSION:

Senator Vick asked about the percentage of DUI cases where an arrest is difficult. **Mr. Zorn** was unable to answer that question but will get that data to Senator Vick.

TESTIMONY:

Jamie Sullivan, Boise City Attorney, representing Boise City and the City of Meridian Police Force and City Prosecution Team, provided some statistics showing arrests made by the Boise Police Department pre Clarke from

October 1, 2018 to June, 2019 included 272 domestic violence related charges, and 42 percent of those ended in arrest. Post Clarke, June 15, 2019 to approximately February 11, 2020, there were 262 domestic violence related incidents, 12 percent of which ended in arrests. With respect to Ms. Bennetts' comments about inconsistency and interpretation, there is significant disparity of how the Clarke decision has been applied. The courts have been inconsistent about whether Clark applies to Idaho Code § 49-1405 which allows for arrest for traffic offenses like DUI. Some cases held that Clarke applied, and some that it does not. The Clarke decision has hindered prosecutors and law enforcement.

DISCUSSION:

Senator Anthon asked if common law would apply to these arrest scenarios or is that something that a court would even consider. **Ms. Sullivan** responded that Clarke says the statute is unconstitutional so the only way to address this is through the Idaho Constitution.

Senator Burgoyne commented that the Clarke decision leaves a lot of questions unanswered and it will take time for magistrates and district judges around the state to sort this out. He suggests that the constitutional amendment does bring clarity to do what we did pre Clarke. This constitutional amendment says that the Legislature can regulate the power of warrantless misdemeanor arrests for probable cause and allows the Legislature's role to limit how law enforcement does misdemeanor arrests in Idaho.

MOTION:

Senator Stennett moved to send **SJR 104** to the floor with a **do pass** recommendation. **Senator Hill** seconded the motion.

DISCUSSION:

Senator Anthon stated that something has to happen on this issue. Experience has shown him how difficult it is in domestic violence cases and it is a real challenge for law enforcement. He has proceeded with an abundance of caution because this is about constitutional rights. This has to be fully vetted and carefully thought about before adjusting Fourth Amendment rights. Also, this is the Legislature deciding whether to advance the question to the electors of the State of Idaho and not the Legislature making the decision; that is an important distinction.

VOICE VOTE:

The motion carried by **voice vote**.

Senator Anthon reserved the option to possibly oppose this bill on the floor.

H 516

RELATED TO CONCEALED WEAPONS to revise a certain exception and to remove surplus verbiage.

Senator Rice, District 10, stated that **H 516** is a small change in wording on page 2, line 19 of the bill changing from "resident of Idaho" to "citizen of the United States" when discussing concealed carry in the State as stated in Idaho Code § 18-3301(4)(f)(ii). **Senator Rice** explained the change is needed to comply with the privileges and immunities clause of the U.S. Constitution.

DISCUSSION:

Senator Stennett asked about how this change would make any difference and is there any reciprocity. **Senator Rice** answered that it meant someone who lived outside the state would have to meet the same standard as a citizen of the State of Idaho. Idaho has a reciprocity agreement with some states.

Senator Vick asked if the State could be subject to lawsuit if we don't change Idaho Statute to address the privileges and immunities clause in the U.S. Constitution. **Senator Rice** answered potentially that could happen, but this would eliminate that possibility.

Senator Hill inquired if this applies only to the regular permit and not to the enhanced concealed carry permit. **Senator Rice** responded that this does not

treat permitless carry the same as the two concealed carry permits that require background checks.

Chairwoman Lodge asked those signed up to testify in opposition to stand: Nicole Brown, Marsha Bravo, and Michael Allen stood. Next, those in support stood: Lindsey Zea, Russell Fair, and Greg Pruett.

MOTION:

Senator Souza moved to send **H 516** to the floor with a **do pass** recommendation. **Vice Chairman Harris** seconded the motion. The motion carried by **voice vote**. **Senators Stennett** and **Rohn** requested to be recorded as voting nay.

Chairwoman Lodge recognized Representative Christy Zito as the co-sponsor for **H 516**.

S 1384

CONTINUED - RELATING TO FIREARMS to allow school district employees with an enhanced concealed weapon license and under specified circumstances, to carry a concealed weapon in a school.

Chairwoman Lodge reminded the Committee that they had heard the opposition on Wednesday and would now be hearing those in favor of the bill, plus law enforcement.

TESTIMONY:

Dave Taylor, speaking on behalf of himself and the Idaho State Rifle and Pistol Association, provided some examples of where concealed carry occurs in places such as movie theatres, libraries, and Walmart where no one is aware because they don't see the guns.

Greg Hjelm, Nampa, addressed some of the concerns about accuracy and what could happen in the schools. He stated he had attended a Sheriff's long pistol qualification course recently where accuracy was a priority. At that time he observed several church group security teams taking intense training courses; there are courses available.

DISCUSSION:

Senator Souza asked if the type of training Mr. Hjelm observed would be appropriate to include as part of this legislation and did it address an active shooter. **Mr. Hjelm** encouraged the use of those types of training.

TESTIMONY:

Charles Nielson spoke about parental rights and supported the bill.

Greg Pruett spoke on behalf of Linda Weeks, a teacher from Boise School District. She said she saw high school students distributing flyers to other students to encourage their parents to support this bill. Children need the assurance they are safe.

DISCUSSION:

Senator Souza asked if Mr. Pruett would encourage adding language to the bill requiring active shooter training and annual training updates. **Mr. Pruett** responded that training should continue but he didn't think it needed to be added to the bill.

TESTIMONY:

Russell Fair, an educator and permit holder, stated his support of this bill. **Mr. Fair** talked about some of the things that were taught in an enhanced class that would allow educators to take immediate action. He noted, as was heard from law enforcement, it could take 30 minutes for them to respond.

Josiah Silva said he spent 15 years as an educator in Central California, and 6 of those as an assistant principal where he coordinated safety training to prepare everyone for a live shooter on campus. The types of things that were taught for protection were locking oneself in classrooms, barricading doors, and hiding. If someone entered the classroom, protection was by throwing a fire extinguisher, a stapler, or maybe a chair. They would be facing a merciless individual. He strongly urged support of this bill.

Heidi Smith-Tukatori said she is a pastor and mother and urges passage of this bill. She has researched school shootings over the past decade and has seen an escalation since the passage of the 1990 Gun Free School Zone Act. She quoted some statistics for killings at four of the country's most well known school shootings.

Bailey Nielson, representing herself, asked the Committee how they would propose to protect her at school if her teacher can't.

DISCUSSION: **Senator Stennett** said the school districts have the ability to do what they think is best in each of their jurisdictions. **Chairwoman Lodge** also commented on the efforts put forth by the school districts. **Senator Anthon** stated that the State has a compelling interest to protect as well as educate students.

TESTIMONY: **Jeff Lavey**, City of Meridian Chief of Police, said he is representing the Idaho Chiefs of Police Association (ICOPA). **Chief Lavey** stated that the ICOPA is no longer neutral and has problems with the bill regarding training. It takes strenuous training to protect a school in case of an active shooter, one must be prepared to act intuitively. Law enforcement trains over and over again; training for an enhanced weapon permit is not enough.

DISCUSSION: **Senator Hill** asked how the ICOPA came to this decision and who makes the decision. **Chief Lavey** said they have a cadre of legislative chiefs on the committee that have been given the authority to make decisions based upon the input they receive from the membership.

Senator Vick referred to the duty to respond when an officer was let go because the court said he didn't respond or have a duty to respond; are there consequences if they don't. **Chief Lavey** acknowledged that by statute, there is no duty for an officer to respond. However, there are consequences if the officer does not respond. If a citizen fails to act, there are no consequences. If an officer does not respond they may be blacklisted, lose their job, or be unemployable for any law enforcement or security job anywhere.

Senator Stennett requested information about how law enforcement works with the school districts for training and to ensure proper protocols are in place. **Chief Lavey** noted they have a good relationship with West Ada School District. Some school districts have programs in place but that is not the case with all districts. The Legislature has given the board of trustees the right to make the choice of what is best for their communities. He described some of the plans and mandates that are in place. It should be the board of trustees' decision, not the Legislature's.

Senator Winder asked about having a plan that law enforcement could support that would allow schools to have armed teachers with proper training and protocols. **Chief Lavey** outlined the kind of issues that would need to be addressed and emphasized that this could not be a rushed process and all stakeholders would have to be involved. He agreed with the idea of having guns in the schools for protection, but it had to be the right people.

TESTIMONY: **Vaughn Killeen**, Executive Director, Idaho Sheriff's Association (ISA), stated the ISA has taken a position on this bill based on a two-thirds vote of the voting sheriffs; ISA decided to oppose **S 1384** for numerous reasons. **Mr. Killeen** focused his comments on training – the types of training, the frequency of training, working with the districts, and developing uniformity throughout the state recognizing the differences between each school district. He described what is required in this bill versus the training that should be required. This bill also removes the ability for supervisory control that can only be accomplished at the district level.

DISCUSSION:

Vice Chairman Harris suggested that someone obtaining an enhanced permit would be familiar with firearms and know how to use them. He asked about the possibility of having law enforcement agencies work with these people to provide ongoing training, including active shooter training, to alleviate some of the concerns. **Mr. Killeen** responded that would be the best way to address the training issue.

Senator Stennett inquired if teachers with limited training and carrying only one gun in an active shooter situation would succeed in such a situation. **Mr. Killeen** noted that sometimes it may be successful and in others it would be tragic. Also, in his opinion, although the bill requires the gun to be on the person at all times, it won't be, and that creates an opportunity for an accident.

Senator Lakey stated his respect for the opinions and motives on both sides; all agreed that safety for the children is the most important, only the methodology is different. **Senator Lakey** corrected three inaccurate statements. 1.) Confidentiality about who has a concealed license. It was stated that school districts could not keep this information confidential. Public Records law under Idaho Code Title 74, Chapter 1 provides a list of exceptions to public records as well as a general exception under Idaho Code § 74-1041. 2.) A school board cannot go into an executive session and discuss records that are exempt from disclosure, see Idaho Code § 74-2061(d). 3.) An incorrect statement was made that the immunity provisions in this bill allow a teacher to do anything they want with a firearm. **S 1384** requires lawful use and all firearms laws are applicable.

Senator Lakey stated he supports local control but the problem is inaction. Idaho has approximately 120 school districts, there may be 3-5 that have adopted a policy to allow a teacher to carry enhanced. He explained Utah's ability to carry a concealed weapon on school property and its training programs including one called Teacher's Academy. **Senator Lakey** again stated his respect for the men and women in law enforcement and the heroic things they do every day. Even though they serve at their best, it takes time to get to a scene. Teachers deserve the opportunity to defend their students and themselves.

MOTION:

Senator Souza moved to send **S 1384** to the 14th Order of Business for possible amendment. The motion failed for lack of a second.

MOTION:

Senator Anthon moved to send **S 1384** to the floor with a **do pass** recommendation. **Senator Vick** seconded the motion.

Senator Stennett said she cannot support this bill and listed all the reasons why: lack of intensive and ongoing training; lack of immunity to property owners; no definition of concealed; no discretion for school boards to take action even though they have the statutory authority to do so; school boards' liability for people's safety and for insurance; and other staff people and parents that are unaware of who is carrying.

Senator Rohn stated he is a school board member of the Boise School District (Boise) and as an elected official, takes the huge responsibility of safety seriously. The procedures and policies in Boise are not the same as they would be in other parts of the state. He said he would ask for support of local control by voting no on this bill.

Chairwoman Lodge said she had been a school teacher for 35 years in Canyon County. She recalled some of her experiences during that time and how important it is to have safety in the schools. She acknowledged all those who came to testify on both sides of the issue keeping in mind the main concern was the safety of children. **Chairwoman Lodge** stated that her biggest concern was training and that it needed to be extensive and ongoing. With that she stated she will be voting against this bill.

**ROLL CALL
VOTE:**

Chairwoman Lodge called for a roll call vote. **Vice Chairman Harris** and **Senators Winder, Vick,** and **Anthon** voted aye. **Senators Hill, Souza, Stennett, Rohn,** and **Chairman Lodge** voted nay.

ADJOURNED:

There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 11:02 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

IN THE SUPREME COURT OF THE STATE OF IDAHO

Docket No. 45062

STATE OF IDAHO,

Plaintiff-Respondent,

v.

PETER O'DONALD CLARKE,

Defendant-Appellant.

Boise, August 2018 Term

Opinion filed: June 12, 2019

Karel A. Lehrman, Clerk

Appeal from the District Court of the First Judicial District of the State of Idaho, Kootenai County, John T. Mitchell, District Judge.

The judgment of the district court is vacated.

State Appellate Public Defender's office, Boise, for appellant. Jenevieve C. Swinford argued.

Idaho Attorney General's office, Boise, for respondent. Theodore Tollefson argued.

HORTON, Justice.

Peter O'Donald Clarke ("Clarke") appeals from his judgment of conviction, entered upon a jury verdict finding him guilty of possession of methamphetamine, marijuana, and paraphernalia. The methamphetamine, marijuana, and paraphernalia were all found on him during a search incident to arrest for misdemeanor battery.

On appeal, Clarke argues that the district court erred when it denied his motion to suppress. Clarke contends his arrest for the misdemeanor was unlawful because it had been committed outside of the officer's presence; and thus the arrest violated the constitutions of the United States and Idaho. Clarke also alleges prosecutorial misconduct during closing argument. For the following reasons, we vacate Clarke's judgment of conviction.

I. FACTUAL AND PROCEDURAL BACKGROUND

At approximately 6:45 p.m. on August 1, 2016, a young woman, Taylor Dan ("Dan"),

flagged down a Kootenai County Deputy Sheriff (Michael Hanson) near Honeysuckle Beach in Hayden, Idaho. Dan reported that she had been harassed and groped by a man earlier in the day while trying to enjoy the beach with her young son. She reported she had been sitting on the beach with her son when she was approached by a man unknown to her. The man appeared to her to be intoxicated. She felt uncomfortable and had to keep moving away from him. The man made unwanted personal advances, calling her "hot" and "fine." Despite telling the man she was married and not interested in speaking to him, the man persisted. He sat down next to her and eventually grabbed her "butt." Dan told the man "don't touch me" and "stop," but he did it a second time. The man, who was later identified as Clarke, then asked her to call his lost cell phone so he could locate it. Dan called Clarke's cell phone and then left with her son. Soon after leaving, Dan received a harassing text message from Clarke. (Dan deleted the text message upon its receipt.) After giving the deputy a description of Clarke,¹ Dan advised the deputy she wished to press charges.

Deputy Hanson, within a short time of speaking to Dan, located Clarke. Clarke admitted to talking to Dan and to grabbing her butt in the way Dan had described; however, he maintained the touching was consensual.

Based on Dan's complaint and Clarke's confirmation that the described touching had occurred, Deputy Hanson arrested Clarke for misdemeanor battery. Clarke was searched incident to his arrest. Deputy Hanson, in conducting a search of Clarke's backpack, uncovered syringes, a baggy containing marijuana, and a baggy containing several small chunks of a white crystalline substance, later identified as methamphetamine. In addition, when Clarke was being booked into the Kootenai County jail, a partially filled syringe containing a white substance, later identified as methamphetamine, was found in Clarke's right shoe.

Clarke was charged with felony possession of a controlled substance and bound over to district court following a preliminary hearing. Clarke moved to suppress the evidence obtained following his warrantless arrest. Soon thereafter, Clarke was charged by Information with felony possession of methamphetamine, misdemeanor possession of marijuana, misdemeanor possession of paraphernalia, and misdemeanor battery (the latter being the charge that resulted in

¹ Dan described Clarke as "a black male with a beard, approximately 30 to 40 years old, wearing a muscle shirt, an orange shirt, and black shorts with a black backpack and carrying a brown sack."

his arrest).

Clarke pursued his motion to suppress. He alleged there was neither a constitutional nor a statutory basis upon which he could have been arrested; so, as a result, his arrest had been unlawful. If his arrest were unlawful, the contraband obtained in the search incident to arrest would be “fruit of the poisonous tree” and therefore subject to suppression.²

The district court conducted a hearing on Clarke’s motion. Following testimony from Deputy Hanson and Clarke, the district court found that probable cause existed for Clarke’s arrest. The district court also found the arrest permissible under both of the applicable constitutional provisions (U.S. Const. amend. IV and Idaho Const. art. 1, § 17) and under the applicable Idaho statute, Idaho Code section 19-603(6).

The case proceeded to trial. Shortly before trial, the State dismissed the battery charge for lack of evidence. Clarke was tried on the remaining charges. A jury convicted him of felony possession of a controlled substance (methamphetamine), misdemeanor possession of a controlled substance (marijuana), and misdemeanor possession of drug paraphernalia. Clarke appeals, alleging the district judge erred in denying his motion to suppress and that the deputy prosecutor engaged in misconduct during closing argument that resulted in an unfair trial.

Clarke’s appeal advances claims that his arrest for a misdemeanor committed outside the presence of the officer was unconstitutional under both the federal and state constitutions and that the prosecutor’s comments during closing argument constituted prosecutorial misconduct. Because we find Clarke’s constitutional argument to be dispositive, we do not reach his remaining arguments.

II. STANDARD OF REVIEW

“In reviewing a district court order granting or denying a motion to suppress evidence, the standard of review is bifurcated.” *State v. Draper*, 151 Idaho 576, 592, 261 P.3d 853, 869 (2011). “This Court will accept the trial court’s findings of fact unless they are clearly erroneous.” *Id.* “However, this Court freely reviews the trial court’s application of constitutional principles in light of the facts found.” *Id.*

² “Fruit of the poisonous tree” is a legal metaphor meaning that evidence is inadmissible in court if the evidence was derived from evidence that was illegally obtained. *Segura v. United States*, 468 U.S. 796, 801 (1984); accord, e.g., *State v. Bishop*, 146 Idaho 804, 810–11, 2013 P.3d 1203, 1209–10 (2009). In other words, if the source of the evidence (the tree) is poisonous, so is its fruit. See *id.*

III. ANALYSIS

The dispositive issue in this appeal is whether a police officer violates Article I, Section 17 of the Idaho Constitution by making an arrest for a misdemeanor offense that occurred outside his presence but for which probable cause exists.

Article I, Section 17 of the Idaho Constitution has long been interpreted in conjunction with Idaho Code section 19-603 and its predecessor statutes, which were in place at the time of the adoption of the Idaho Constitution. *See State v. Green*, 158 Idaho 884, 888, 354 P.3d 446, 450 (2015). This statute articulates the bases upon which an arrest may be made in this state. Until 1979, the interpretation of the Constitution and the statutes that preceded Idaho Code section 19-603 largely echoed the general rule of federal cases — that a warrantless arrest was lawful if the arresting officer had probable cause to believe a felony had been committed or if the offender had committed a misdemeanor in the presence of the officer. *Id.*; *State v. Polson*, 81 Idaho 147, 152, 339 P.2d 510, 513 (1959) (officer may arrest a person if he has probable cause to believe that person committed a felony); *State v. Conant*, 143 Idaho 797, 799–800, 153 P.3d, 477, 479–80 (2007) (officer may make a warrantless arrest when a person has committed a public offense in the presence of a peace officer.)

In 1979, subsection 6 was added to Idaho Code section 19-603³ and since then, the constitutional standard and the statutory standard have diverged. Subsection 6, from its inception, allowed the warrantless arrest of a person when there was reasonable cause to believe he had committed a misdemeanor assault or battery outside the presence of the officer, e.g., in a domestic violence situation. *See State v. Julian*, 129 Idaho 133, 141, 922 P.2d 1059, 1067 (1996) (Walters, J., special concurrence). The language in section 19-603(6) has been amended several times, but each modification has kept the original intent — that when there is probable cause⁴ to believe certain misdemeanors have been committed outside the presence of an officer, a warrantless arrest is nevertheless lawful.⁵

³ 1979 Idaho Sess. Laws 832.

⁴ Although the language in the various iterations has changed from “reasonable cause” to “probable cause,” those phrases are understood to have the same meaning. *See Julian*, 129 Idaho at 136, 922 P.2d at 1062; *see also* Ch. 307, § 1, 1979 Sess. Laws 832; Ch. 318, § 1, 1994 Sess. Laws 1019, 1019–20; Ch. 89, § 1, 1997 Sess. Laws 214, 214–15; Ch. 314, § 4, 1997 Sess. Laws 929, 930–31; Ch. 337, § 5, 2004 Sess. Laws 1007, 1010.

⁵ In the proceedings before the district court, Clarke argued that section 19-603(6) had been violated by Deputy Hanson’s arrest of him. The district court rejected Clarke’s argument. Clarke has not appealed this finding.

Clarke argues that the statute limiting warrantless misdemeanor arrests to those committed in the officer's presence in effect at the adoption of the Idaho Constitution, as well as Idaho case law since its adoption, prohibits a warrantless arrest for what he describes as a completed misdemeanor.⁶ As declared by this Court in *Green*, the statute governing warrantless arrests in effect at the time the Idaho Constitution was adopted was in "Title III, Chapter V, Section 7540 of the Idaho Revised Statutes" — a predecessor statute to Idaho Code section 19-603 which stated the usual rule of misdemeanor arrests, without subsection (6) or (7). *Green*, 158 Idaho at 888, 354 P.3d at 450.

Based on language in *Green*, Clarke argues that the statute at the time of the adoption of the Idaho Constitution was incorporated into the Constitution, and should be viewed as part of it. In *Green*, this Court declared:

Provisions of the Idaho Constitution must be construed in light of the law prior to their adoption. Because the constitutional guarantee against unreasonable seizure of the person includes an arrest, the Idaho Constitution *incorporated the principles regarding arrest in the Idaho statutory and common law in 1890 when the constitution was adopted.*

Id. (internal citations omitted) (italics added).

Recently, in *Green*, this Court interpreted Idaho Code sections 19-603(6) and (7) and explained their relationship to Article I, Section 17 of the Idaho Constitution: "[b]ecause these subsequently enacted arrest standards did not exist at the time the Idaho Constitution was adopted, and because they were not incorporated by constitutional amendment, they cannot be considered part of the *constitutional* standard for what constitutes a reasonable seizure of the person." *Green*, 158 Idaho at 888–89, 354 P.3d at 450–51 (italics in original). As a corollary, *Green* held "[b]ecause the constitutional guarantee against unreasonable seizure of the person includes an arrest, the Idaho Constitution incorporated the principles regarding arrest in the Idaho statutory and common law in 1890 when the constitution was adopted." *Id.* at 888.

However, we conclude that this statement in *Green* is overbroad. *Green* should stand for the principle that preexisting statutes and the common law may be used to help inform our

Consequently, we take it as an accomplished fact that Clarke's arrest complied with Idaho's applicable statute. However, that does not end the inquiry. As *Green* teaches, there can be a divergence between what is, or is not, authorized by statute and what is, or is not, allowed by Idaho's Constitution.

⁶ A completed misdemeanor is one which is no longer in progress when the officer arrives on the scene.

interpretation of the Idaho Constitution, but they are not the embodiment of, nor are they incorporated within, the Constitution. To hold otherwise would elevate statutes and the common law that predate the Constitution's adoption to constitutional status.

When construing the Idaho Constitution, "the primary object is to determine the intent of the framers." *Idaho Press Club, Inc. v. State Legislature*, 142 Idaho 640, 642, 132 P.3d 397, 399 (2006) (quoting *Williams v. State Legislature*, 111 Idaho 156, 158–59, 722 P.2d 465, 467–68 (1986)). The best resource is the compilation of the Proceedings and Debates of the Constitutional Convention of Idaho 1889 (I.W. Hart ed., 1912). Unfortunately, Article I, section 17 was adopted without debate. In the absence of the words of the framers, rights guaranteed by the state constitution are "examined in light of the practices at common law and the statutes of Idaho when our constitution was adopted and approved by the citizens of Idaho." *State v. Creech*, 105 Idaho 362, 392, 670 P.2d 463, 493 (1983). This Court has long taken this approach to interpreting our state constitution. See, e.g., *Toncray v. Budge*, 14 Idaho 621, 647, 95 P. 26, 34–35 (1908) ("We must now determine the meaning of the language used in [Art. 6, § 3 of the Idaho Constitution] in the light of conditions as they existed, at the time the constitutional convention was in session, in July, 1889.")

We have explained the significance of case law and statutes existing in 1889 as follows: "Because many of the delegates to the Constitutional Convention were outstanding lawyers in their day, we generally presume that they knew and acted on such prior and contemporaneous interpretations of constitutional words which they used." *Paulson v. Minidoka Cnty. Sch. Dist. No. 331*, 93 Idaho 469, 472 n.3, 463 P.2d 935, 938 n.3 (1970) (citing *Higer v. Hansen*, 67 Idaho 45, 62, 170 P.2d 411, 422 (1946)). Thus, a review of the common law is in order.

Blackstone explained:

The constable ... hath great original and inherent authority with regard to arrests. He may, without warrant, arrest any one for a breach of the peace, and carry him before a justice of the peace. And, in case of felony actually committed, or a dangerous wounding whereby felony is like to ensue, he may upon probable suspicion arrest the felon. . . .

4 W. Blackstone, Commentaries *289 (1765).

By 1883, a scholar of the common law wrote:

There were, and, indeed, still are a good many differences of the considerable importance in the procedure relating to the prosecution of felonies and misdemeanours respectively. The most important are, that *as a rule a person*

cannot be arrested for [a] misdemeanour without a warrant; that a person committed for trial for a misdemeanor is entitled to be bailed (speaking generally), whereas a person accused of felony is not; and that on a trial for felony the prisoner is entitled to twenty peremptory challenges, whereas upon a trial for misdemeanour he is entitled to none.

Stephen, *History of the Criminal Law of England*, 193 (1883) (emphasis added).

The common law, as it developed throughout the United States prior to 1889, appears to have been unanimous in agreement with that articulated above. See *Commonwealth v. McLaughlin*, 66 Mass. (12 Cush.) 615, 618 (1853) ("Peace officers may, without warrant, arrest a party whom they have reasonable ground to suspect of having committed a felony. But a peace officer cannot arrest one without warrant, who is suspected of having committed a crime, not a felony."); *Butolph v. Blust*, 41 How. Pr. 481, 489–90 (N.Y. Gen. Term. 1871); *Jamison v. Gaernett*, 73 Ky. (10 Bush) 221, 225–26 (1874); *Quinn v. Heisel*, 40 Mich. 576, 578 (1879) (That officers "have a right to [warrantless] arrest for breaches of the peace committed in their presence is conceded by all. It is equally clear that they cannot arrest for a past offense, not a felony, upon information or suspicion thereof. . . ."); *Taaffe v. Slevin*, 11 Mo. App. 507, 513 (1882) ("[A] peace officer has no common-law power to arrest without a warrant, on mere suspicion of a misdemeanor, although he may do so for a breach of the peace, or misdemeanor less than a felony, committed in his presence."); *Robison v. Miner* [*People ex. rel. Robison v. Haug*], 37 N.W. 21, 25 (Mich. 1888) ("no arrest can be made without warrant except in cases of felony or in cases of breaches of the peace committed in the presence of the arresting officer."), overruled on other grounds by *Burroughs v. Eastman*, 101 Mich. 419, 59 N.W. 817 (1894); *Pinkerton v. Verberg*, 44 N.W. 579, 582–83 (Mich. 1889) ("Any law which would place the keeping and safe conduct of another in the hands of even a conservator of the peace, unless for some breach of the peace committed in his presence, or upon suspicion of felony, would be most oppressive and unjust, and destroy all the rights which our constitution guaranties.").

Our research has failed to uncover any decision from a sister state prior to our State's constitutional convention which held that a peace officer could make a warrantless arrest for an offense committed outside his presence. The earliest such case that we have been able to locate was decided in 1895. That case, *Baltimore & O.R. Co. v. Cain*, 31 A. 801 (Md. 1895), presented a unique set of facts. There, the plaintiff sued the railway company for false imprisonment. *Id.* at 802. The plaintiff and three companions were intoxicated when they boarded a train. *Id.* Despite

the conductor's pleas that they desist, the party then "cursed and swore and drank liquor openly" in the presence of female passengers. *Id.* When the conductor told them that they would be removed from the train, they threatened him with violence. *Id.* The conductor then telegraphed ahead for an officer to arrest the plaintiff. *Id.* at 803. Following his arrest, the plaintiff paid a fine for his disorderly conduct. *Id.* at 804.

The court rejected plaintiff's claim, observing: "The plaintiff's first prayer ought to have been rejected. Its fallacy lies in the postulate that an arrest for a breach of the peace, committed out of the view of a peace officer, necessarily could not be legally made without a warrant." *Id.* at 805. The court's rationale would today fall under the rubric of "exigent circumstances." The court explained: "[t]he right of a person not an officer to make an arrest is not confined to cases of felony, for he may take into custody, without a warrant, one who in his presence is guilty of an affray or a breach of the peace. *Id.* at 803. The court continued:

it was clearly lawful, under these conditions, for the conductor to expel him and his drunken companions from the train if he had a sufficient force to overcome their threatened resistance, or else to arrest them all without warrant, and then deliver them to the first peace officer he could procure within a reasonable time. If this were not so, then, as said by Lord Chief Justice Denman in *Webster v. Watts*, [63 E. C. L. 311], "the peace of all the world would be in jeopardy." And it would be in jeopardy, because if, in such and similar instances, no arrest could be lawfully made without a warrant, the culprit, "if transient and unknown, would escape altogether," before a warrant could be obtained (*Mitchell v. Lemon*, 34 Md. [176,] 181 [(1871)]), and there would soon cease to be any order or any security or protection afforded the public on swiftly-moving railroad trains, or even elsewhere, unless a peace officer were constantly present. The delay necessarily incident to obtaining a warrant would be in many, if not in most, cases of this and a kindred character equivalent to an absolute immunity from arrest and punishment; and, should the name of the offender be unknown, he, most probably, would never be apprehended if once suffered to depart. The law is not so impotent and ineffective as that. Being physically unable to expel these alleged riotous persons from the train, the conductor telegraphed for a peace officer, and without delay, and while the plaintiff was still drunk, caused his arrest the instant the officer thus summoned came in view of the plaintiff. If, then, any bystander could, in the language of Baron Parke, "for the sake of the preservation of the peace, * * * restrain the liberty of him whom he sees breaking" the peace, the act of the conductor in telegraphing for the policeman, and within a short space of time thereafter handing the plaintiff over to the officer, was in no respect different from a formal arrest of the plaintiff by the conductor, in the midst of the riot and disorder, and the prompt delivery of him afterwards to the officer. If the plaintiff was not in fact arrested by the conductor because of the presence of superior

resisting force, that fact cannot make the subsequent act of the conductor in pointing out the plaintiff to the officer wrongful or illegal.

Id. at 804.⁷

Notwithstanding this change in the common law of Maryland, two decades after our constitutional convention, the United States Supreme Court continued to recognize the traditional common law rule in *John Bad Elk v. United States*, 177 U.S. 529 (1900), stating that “an officer, at common law, was not authorized to make an arrest without a warrant, for a mere misdemeanor not committed in his presence.” *Id.* at 534.

In 1915, this Court was given the opportunity to address the issue in *State v. Mox Mox*, 28 Idaho 176, 152 P. 802 (1915), and we implicitly continued to apply the common law rule. There, the defendant complained that a jury instruction “assumes that a person may be arrested without a warrant for a past misdemeanor not committed in the presence of the officer performing the arrest.” *Id.* at 182, 152 P. at 804. The Court rejected the contention, explaining that the jury instruction:

does not assume the law to be that a person may be legally arrested without a warrant for a past misdemeanor not committed in the presence of the officer performing the arrest, but it tends to instruct the jury that, if the constable had reasonable cause to believe appellant was committing, or was about to commit, a crime, it was his duty, without a warrant, to endeavor to prevent him from committing it, and to arrest him, even though he had completed the offense before he could be prevented from so doing.

Id. at 183, 152 P. at 804.

In light of the foregoing, based upon the state of the common law in 1889, we conclude that the framers of the Idaho Constitution understood that Article I, section 17 prohibited warrantless arrests for completed misdemeanors.

We are fully mindful of the significance of this conclusion. “Domestic violence is a serious crime that causes substantial damage to victims and children, as well as to the community.” I.C. § 32-1408(1). Idaho Code section 19-603(6) permits peace officers to use their arrest powers to intervene in domestic violence situations, even though they have not personally observed the commission of a crime, and to thereby defuse potentially violent circumstances.

⁷ Similar considerations appear to have motivated the Legislature to enact Idaho Code section 19-603(7).

Nevertheless, the extremely powerful policy considerations which support upholding Idaho Code section 19-603(6) must yield to the requirements of the Idaho Constitution. For this reason, we vacate Clarke's judgment of conviction. In light of this decision, we do not reach Clarke's remaining claims of error.

IV. CONCLUSION

We vacate Clarke's judgment of conviction.

Chief Justice BURDICK, and Justices BRODY, BEVAN and STEGNER CONCUR.



Attachment 2
Burgoyne
3-13-2020 SJR104

AG letter pages 1-6

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

June 26, 2019

Senator Grant Burgoyne
Idaho Senate
Capitol Building
Boise, Idaho 83720

RE: Warrantless misdemeanor arrests outside presence of law enforcement

Senator Burgoyne,

You posed the following question to our office regarding the constitutionality of warrantless misdemeanor arrests that take place outside the presence of law enforcement officers under the United States Constitution.

QUESTION PRESENTED

[W]hether the United States Constitution permits warrantless misdemeanor arrests, by a law enforcement officer, for incidents outside of a law enforcement officer's presence.

BRIEF ANSWER

Probably. While the United States Supreme Court has not issued a definitive opinion directly on point, other courts have reached a consensus that the United States Constitution does not require an offense be committed in an officer's presence in order to authorize a warrantless arrest. Rather, the test for constitutionality of arrest under the Fourth Amendment is whether the officer had probable cause to believe that an offense has been committed and the arrestee committed it.

ANALYSIS

A warrantless arrest satisfies constitutional standards if it is based upon probable cause.

Probable cause is sufficient to justify an arrest. See Whren v. United States, 517 U.S. 806, 819 (1996); Virginia v. Moore, 553 U.S. 164, 168 (2008).

We are convinced that the approach of our prior cases is correct, because an arrest based on probable cause serves interests that have long been seen as sufficient to justify the seizure. Arrest ensures that a suspect appears to answer charges and does not continue a crime, and it safeguards evidence and enables officers to conduct an in-custody investigation.

Moore, 553 U.S. at 168 (citing Whren, 517 U.S. at 817; Atwater v. City of Lago Vista, 532 U.S. 318, 354 (2001); W. LaFare, Arrest: The Decision to Take a Suspect into Custody, 177-202 (1965)). In Moore, while the United States Supreme Court noted, "In a long line of cases, we have said that when an officer has probable cause to believe a person committed even a minor crime in his presence, the balancing of private and public interests is not in doubt. The arrest is constitutionally reasonable," id. at 171, it also "adhere[d] to the probable cause standard [for warrantless arrests]," id. at 175. In fact, the Supreme Court has never specifically addressed whether a warrantless arrest requires the offense be committed in the officer's presence. See Atwater, 532 U.S. at 340 n.11 ("We need not, and thus do not, speculate whether the Fourth Amendment entails an "in the presence" requirement for purposes of misdemeanor arrests. Cf. Welsh v. Wisconsin, 466 U.S. 740, 756, 104 S.Ct. 2091, 80 L.Ed.2d 732 (1984) (White, J., dissenting) ("[T]he requirement that a misdemeanor must have occurred in the officer's presence to justify a warrantless arrest is not grounded in the Fourth Amendment")).

However, other courts that have discussed the issue have reached a consensus that any "presence" requirement is based on statutory, not constitutional, requirements.

As for the second Fourth Amendment issue regarding warrantless misdemeanor arrests, whether the "in presence" requirement is constitutional in nature, the consensus is that the answer here is also no. Though the Supreme Court has asserted that "warrants of arrest are designed to meet the dangers of unlimited and unreasonable arrests of persons who are not at the moment committing any crime," it has never held that a warrant for lesser offenses occurring out of the presence of an officer is constitutionally required.

W. LaFare, 3 Search & Seizure § 5.1(b) (5th ed., 2017); see also W. LaFare, 3 Search & Seizure § 5.1(c) (5th ed., 2017) (the presence test is not mandated by the Fourth

Amendment); Welsh v. Wisconsin, 466 U.S. at 756 (authority to make warrantless arrests, including outside the presence of an officer, may be enlarged by statute) (White, J., dissenting).

Many federal circuits concur that the "in the presence" requirement relies upon state law. For example, the Seventh Circuit found an "overwhelming consensus" of circuit courts have declined to adopt an "in the presence" requirement to justify a warrantless misdemeanor arrest. See Woods v. City of Chicago, 234 F.3d 979, 994-995 (7th Cir. 2000); see also United States v. McNeill, 484 F.3d 301, 311 (4th Cir. 2007) (court did not address specific question whether the Fourth Amendment required an offense occur in officer's presence, but cited prior circuit case law declining to find such a Constitutional requirement); Pyles v. Raisor, 60 F.3d 1211, 1215 (6th Cir. 1995) (Fourth Amendment only requires arrest be based on probable cause and contains no "presence" requirement); Fields v. City of South Houston, 922 F.2d 1138, 1189-1190 (5th Cir. 1991) (while states may impose greater requirements, Fourth Amendment only requires probable cause for arrest). Likewise, the Ninth Circuit has long recognized that, while state law may require an offense be committed in the officer's presence to justify a warrantless misdemeanor arrest, the requirement was not rooted in the Fourth Amendment. Barry v. Fowler, 902 F.2d 770, 772 (9th Cir. 1990).

Some state courts have also determined that the Fourth Amendment includes no "in the presence" requirement. See, e.g., State v. Walker, 138 P.3d 113, 119 (Wash. 2006) ("We can find no cases from this state or any other state, nor any statutes or other laws that support the argument that a person's private affairs encompass the constitutional right to be free from warrantless misdemeanor arrests. So long as legislative authority exists and any such arrest is based on probable cause, the arrest is valid"); State v. Harker, 240 P.3d 780, 786-787 (Utah 2010) (warrantless misdemeanor arrest passed constitutional muster based on probable cause notwithstanding additional state statutory requirements). In light of the foregoing cases, it is likely that warrantless misdemeanor arrests, based on probable cause and authorized under state law, would satisfy the United States Constitution's prohibition against unreasonable searches and seizures embodied in the Fourth Amendment.

June 27, 2019

Senator Burgoyne Correspondence

Page 4

I hope you find this analysis useful. Should you have any additional questions, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kristina M. Schindele', with a long, sweeping horizontal line extending to the right.

KRISTINA M. SCHINDELE

Deputy Attorney General

Troubling and difficult questions:

- **What does it mean for a misdemeanor to occur “outside an officer’s presence”?** (Clarke p. 4)
- **What does it mean for an officer to witness a “completed misdemeanor”?** (Clarke p.9)

Scenario A

Man A walks into a bar. Man B seated on a bar stool gets up, goes to Man A, confirms the identity of Man B and punches him knocking him to the floor. An officer is called and responds.

1. Man B and five other people in the bar tell the officer they saw Man A hit Man B. May the officer arrest Man A for misdemeanor battery under Clarke? (no, the crime occurred outside the officer’s presence and was “completed” before the officer arrived); under the amendment? (yes, there is probable cause)?
2. Man B and five other people in the bar at the time the punch was thrown tell the officer that in addition to seeing Man A hit Man B, Man A then said to Man B “when your friend Man C gets here, there’ll be a punch for him too.” May the officer arrest Man A for misdemeanor battery under Clarke? (no, the crime occurred outside the officer’s presence; but was the crime completed outside the officer’s presence? As to Man B, yes, as to Man C, no crime has yet occurred); under the amendment? (yes, there is probable cause as to man B; as to Man C?)?
3. Assume # 1, plus the officer questions Man A who states: “I did it. Man B has had that punch coming since he shoved me at recess in the 1st grade, and I owe him three more, so it’s one down and three to go.” May the officer arrest Man A under Clarke? No; under the amendment, yes.

Scenario B

Man B and the bartender are the only ones in the bar. Man A walks in and Man B punches him knocking him to the floor. The bartender calls an officer who responds. Man A and the bartender tell the officer that Man B hit Man A. The officer sees that Man A’s nose is bleeding and appears broken. The officer questions Man B who denies hitting Man A. On questioning Man A admits he is right handed, and states that his right hand is bandaged and wrapped in ice because he injured it when he earlier punched the bar’s concrete wall. The Bartender denies that Man B only asked for the bandage and ice after hitting Man A. The officer asks Man A to leave the bar, but Man A refuses stating he has unfinished business there. Can the officer arrest Man B under Clarke? No, the only crime was committed “outside the officer’s presence” and was “completed” before the officer arrived. Can the officer arrest Man B under the amendment? Yes, there is probable cause based on the statements of Man A and the bartender and there is physical evidence of an altercation consistent with those statements. Consequently, there is probable cause to arrest Man B. Such an arrest is consistent with Clarke’s recognition of the

virtues of permitting officers to diffuse potentially violent situations, but it is nonetheless prohibited by Clarke's ruling. I don't think the bartender wants the officer leaving the scene without making the arrest, and I don't think we do either.

**IDAHO STATUTES
AUTHORIZING WARRANTLESS MISDEMEANOR ARRESTS**

- 18-901 – Assault (*see* Idaho Code Section 19-603)
- 18-903 – Battery (*see* Idaho Code Section 19-603)
- 18-918 – Domestic violence (*see* Idaho Code Section 19-603)
- 18-920 – Violation of a no contact order (*see* Idaho Code Section 19-603)
- 18-3302I – Threatening violence upon school grounds (*see* Idaho Code Section 19-603)
- 18-905 – First-degree stalking (*see* Idaho Code Section 19-603)
- 18-7906 – Second-degree stalking
- 18-7907 – Violation of a protection order
- 39-6312 – Violation of a protection order (*see* Idaho Code Section 19-603)
- 49-1405 – Arrests for serious driving offenses
- 49-1407 – Authority to take a person before a magistrate
- 49-1408 – Arrest of a nonresident of Idaho at the scene of a traffic accident



Idaho Statutes

Attachment 4
Burgoyne
3-13-2020 SSR 104
2 pages

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 18

CRIMES AND PUNISHMENTS

CHAPTER 33

FIREARMS, EXPLOSIVES AND OTHER DEADLY WEAPONS

18-3302I. THREATENING VIOLENCE UPON SCHOOL GROUNDS -- FIREARMS AND OTHER DEADLY OR DANGEROUS WEAPONS.

(1) (a) Any person, including a student, who willfully threatens by word, electronic means or act to use a firearm or other deadly or dangerous weapon to do violence to any person on school grounds or to disrupt the normal operations of an educational institution by making a threat of violence is guilty of a misdemeanor.

(b) Any person, including a student, who knowingly has in his possession a firearm or other deadly or dangerous weapon, or who makes, alters or repairs any firearm or other deadly or dangerous weapon, in the furtherance of carrying out a threat made by word, electronic means or act to do violence to any person on school grounds or to disrupt the normal operations of an educational institution by making a threat of violence is guilty of a felony.

(2) Definitions. As used in this section:

(a) "Deadly or dangerous weapon" means a weapon, device, instrument, material or substance that is used for, or is readily capable of, causing death or serious bodily injury;

(b) "On school grounds" means in or on property owned or operated by a school district, public charter school or private school.

History:

[18-3302I, added 2006, ch. 303, sec. 1, p. 936; am. 2015, ch. 303, sec. 3, p. 1194; am. 2018, ch. 240, sec. 1, p. 562.]

How current is this law?

Search the Idaho Statutes and Constitution

PI



Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 19
CRIMINAL PROCEDURE
CHAPTER 6

ARREST, BY WHOM AND HOW MADE

19-603. WHEN PEACE OFFICER MAY ARREST. A peace officer may make an arrest in obedience to a warrant delivered to him, or may, without a warrant, arrest a person:

1. For a public offense committed or attempted in his presence.

2. When a person arrested has committed a felony, although not in his presence.

3. When a felony has in fact been committed and he has reasonable cause for believing the person arrested to have committed it.

4. On a charge made, upon a reasonable cause, of the commission of a felony by the party arrested.

5. At night, when there is reasonable cause to believe that he has committed a felony.

6. When upon immediate response to a report of a commission of a crime there is probable cause to believe that the person has committed a violation of section 18-901 (assault), 18-903 (battery), 18-918 (domestic violence), 18-7905 (first-degree stalking), 18-7906 (second-degree stalking), 39-6312 (violation of a protection order), 18-920 (violation of a no contact order), or 18-3302I (threatening violence upon school grounds - firearms and other deadly or dangerous weapons), Idaho Code.

7. When there is reasonable cause to believe, based upon physical evidence observed by the officer or statements made in the presence of the officer upon immediate response to a report of a commission of a crime aboard an aircraft, that the person arrested has committed such a crime.

History:

[(19-603) Cr. Prac. 1864, secs. 131, 133, p. 229; R.S., R.C., & C.L., sec. 7540; C.S., sec. 8726; I.C.A., sec. 19-603; am. 1979, ch. 307, sec. 1, p. 832; am. 1988, ch. 271, sec. 1, p. 902; am. 1994, ch. 318, sec. 1, p. 1020; am. 1997, ch. 89, sec. 1, p. 214; am. 1997, ch. 314, sec. 4, p. 930; am. 2004, ch. 337, sec. 5, p. 1010; am. 2019, ch. 207, sec. 1, p. 633.]

How current is this law?

Search the Idaho Statutes and Constitution

P2



Moscow School District #281

650 N. Cleveland St. Moscow, ID 83843 (208) 882-1120 fax (208) 883-4440 www.msd281.org

Attachment 5
Burgoyne

3-13-2020 SJR104

Dr. Gregory J. Bailey, Superintendent

Carrie Brooks, Curriculum Director
Jennifer Johnson, Business Manager

Charlie Gerke, Operations Director
Shannon Richards, Special Services Director

February 28, 2020

The Impact of a Threat to a Community's Schools

I am asking that you support the passage of Senate Joint Resolution 104 relating to warrantless arrests. If you are only considering the impact of a threat toward schools in the terms of financial or physical harm, I cannot say there was such an impact. However, actions taken by the person committing the threat did cause a major impact to the students and families, as well as the staff, of the Moscow School District. The impact that occurred was in the form of loss of academic time for students, increased workload for staff, and emotional distress for the students, staff, and community.

I was notified by the Moscow Police Department (MPD) of the threat at 9:00 am on Thursday, March 29, 2018. I later found out that the local newspaper published information about the threat 20 minutes later. Knowing that the MPD was aware of the threat and was working on communicating with the person who made the threat, and the fact that the threat was to shoot up two Moscow Schools on April 18 which was 21 days later I thought I had time on my side. I immediately notified all my building administrators of the threat and told them to be on high alert of strangers in the area.

Shortly after notifying my administrators, I was notified that the threat was being discussed on FaceBook, and our district, and especially myself, was being crucified for not immediately contacting all the parents and closing all the schools. It became obvious that due to one person's actions, many parents had gone into a state of panic. From that moment, until a couple of days after the shooting was supposed to occur, I as well as my staff, were taken away from concentrating on our educational responsibilities.

I dealt with twenty-three days of being inundated with phone calls, emails, and meetings with parents and concerned patrons that were frightened and angry that someone would threaten their schools. Many of these people were scared enough that their thinking was not always rationale. Here were some of their parental requests during this time:

- parents wanted to patrol the area with weapons
- parents requested to be allowed to walk the halls throughout the day
- requests for fencing all the parameters of all of the schools with 6' fencing with razor wire on top

Administration
650 N. Cleveland
Moscow, ID 83843
208.882.1120
FAX: 208.883.4440

Moscow
High School
402 E. Fifth Street
Moscow, ID 83843
208.882.2591
FAX: 208.892.1136

Moscow
Middle School
1410 East D Street
Moscow, ID 83843
208.882.3577
FAX: 208.892.1182

Lena
Whitmore
Elementary
110 S. Blaine
Moscow, ID 83843
208.882.2621
FAX: 208.892.1202

A.B. McDonald
Elementary
East D Street
Moscow, ID 83843
208.882.0228
FAX: 208.892.1216

J. Russell
Elementary
119 N. Adams
Moscow, ID 83843
208.882.2715
FAX: 208.892.1241

West Park
Elementary
510 Home Street
Moscow, ID 83843
208.882.2714
FAX: 208.892.1259

Paradise Creek
Regional
High School
1314 S. Main
Moscow, ID 83843
208.882.3687
FAX: 208.882.6815

Support
Services
Facility
FAX: 208.892.1265
Location:
2245 White Avenue
Facilities
208.892.1129
Food Service
208.892.1123
Transportation
208.882.3933

- armed guards at each entrance of the schools
- putting steel covers over all the classroom doors
- arming teachers with guns
- closing school

As you can imagine, most of these options cause a school environment that is not nurturing in any way and inhibits us having a good learning environment for our students. It places our students in a learning environment that is more appropriate for prisoners.

We also dealt with parents and community members that were upset that we did not have this person arrested and locked up, something I do not have the power to do. Unfortunately, the Moscow Police Department also were unable to arrest the adult making the threat because our current law is weak.. The Moscow School District is asking our legislative representatives to reconsider and make the consequences harsher for people that are 18 years or older.

The threat and the concern during the aftermath also affected our attendance, which equates to loss of learning. Here is the number of absences during the week that the threat was supposed to occur. You will also notice that the Friday absences were also very large. This is due to the day students marched to express their frustration with the number of threats and shootings occurring at schools.

District-Wide Absences

<i>School</i>	<i>4/16/2018</i>	<i>4/17/2018</i>	<i>4/18/2018</i>	<i>4/19/2018</i>	<i>4/20/2018</i>
<i>Lena</i>	3	2	44	0	4
<i>McD</i>	3	2	51	3	10
<i>WP</i>	3	3	33	6	6
<i>Russell</i>	4	6	42	4	6
<i>MMS</i>	34	51	90	24	140
<i>MHS</i>	30	27	119	32	267
<i>Total/Day</i>	77	91	379	69	433

Enrollment: 2398 (4/18- Day the threat was supposed to occur. 4/20 – Students marched for a safer environment).

In Summary: This reckless decision-making caused our students, staff, and community to be in a state of fear, in a community that prides itself in being a safe community. Please help us make sure our children have the opportunity to live in a threat environment. Please support the changes being asked in Senate Joint Resolution 104. Thank You.

Sincerely,

Gregory J. Bailey

Gregory J. Bailey, Ph.D.
Superintendent

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Monday, March 16, 2020

SUBJECT	DESCRIPTION	PRESENTER
VOTE ON GUBERNATORIAL APPOINTMENT:	Gubernatorial Appointment of Anthony Vahsholtz to the Idaho State Building Authority.	
<u>H 601</u>	RELATING TO THE PUBLIC RECORDS ACT to identify what information is required when requesting public records.	Representative Megan Blanksma
<u>S 1417</u>	RELATING TOP PROPERTY TAX RELIEF related to the Property Tax Relief Program.	Senator Anthon
<u>S 1416</u>	RELATING TO PROPERTY TAXES provisions regarding homestead exemptions.	Senator Vick

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge	Sen Anthon
Vice Chairman Harris	Sen Souza
Sen Hill	Sen Stennett
Sen Winder	Sen Buckner-Webb
Sen Vick	

COMMITTEE SECRETARY

Twyla Melton
Room: WW42
Phone: 332-1326
Email: sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, March 16, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and Buckner-Webb

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** called the Senate State Affairs Committee (Committee) to order at 8:15 a.m.

VOTE ON GUBERNATORIAL APPOINTMENT: **Vote on the Gubernatorial Appointment** of Anthony Vahsholtz to the Idaho State Building Authority.

MOTION: **Vice Chairman Harris** moved to send the Gubernatorial appointment of Anthony Vahsholtz to the Idaho State Building Authority to the floor with the recommendation that he be confirmed by the Senate. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

H 601 **RELATING TO THE PUBLIC RECORDS ACT** to identify what information is required when requesting public records.

Representative Megan Blanksma, District 23, explained that **H 601** has the following primary components: it defines notes created by a public official that remain unshared with others and not part of the public record; it defines the specific information required when making a records request, including subject matter, and the record and date range; it defines all personal communications between legislative members unrelated to public business and are not a public record, and it allows for privacy when communicating with constituents that are not registered lobbyists, public officials, or an organization requesting research or analysis information and related documents. **Representative Blanksma** reviewed types and numbers of requests that have been provided over the past few years by the Legislative Services Office (LSO). During 2019, 658 requests were received at a cost to LSO of approximately \$20,000; they were reimbursed \$1,295. She noted that this legislation tightens up the request process rather than having an open ended request for all information.

DISCUSSION: **Senator Stennett** stated that there has been a cap on the number of pages or hours of staff time provided by the State at no cost, Idaho Code § 74-102(10), for these requests and suggested it might be better to extend that number rather than do what this bill is designed to accomplish. The other part is to make sure the public has the opportunity to use a records request to allow transparency between the public and elected officials. She asked how this bill would impact their ability to scrutinize the work and interact with their government. **Representative Blanksma** responded that **H 601** does nothing as far as decreasing transparency, it only tightens up the language; there would be no difference between what could be requested now and what could be requested

in the future. This bill protects the private life and personal information from public record requests, but allows full transparency on all public business.

Senator Vick inquired about some potential amendments. **Representative Blanksma** said they were not hers. **Chairwoman Lodge** asked if requests had been made to other departments, such as corrections. **Representative Blanksma** answered that her work reflects only LSO concerns.

TESTIMONY:

Jeremy Pisca, Attorney with Risch Pisca Law, PLLC and the Executive Director for the Newspaper Association of Idaho (NAI), requested the Committee to either hold this bill or send it to the amending order. The amendments for the Committee to review have been drafted by Mr. Pisca. **Mr. Pisca** extended his appreciation to Representative Blanksma for meeting with him on several occasions to discuss language he thought was problematic, and some of those changes were made. He then discussed some further changes he thought should be made (see attachment 1). **Mr. Pisca** went through the bill and identified what he determined to be problem areas. He is offering a compromise between the public records request and the public's right to know. This bill does not meet the public's desire for more transparency.

DISCUSSION:

Senator Stennett referred to § 74-109 (4), Idaho Code, related to redistricting. There could be influence over the redistricting commission if a good public request policy was not available. She asked if these amendments would make information more free flowing. **Mr. Pisca** stated his concern about public policy in general. The amendments to the act outlined in **H 601** prevent a problem from being identified and rectified easily. The changes need to be more precise.

Senator Souza said she believes this bill is saying to the public or media, public records should indicate exactly what you want rather than making very broad, open ended requests, creating a burden for LSO, and for those who receive the requests. The purpose of **H 601** is that the requestor be more specific. **Mr. Pisca** stated that the NAI felt it was reasonable to limit some types of requests.

TESTIMONY:

Ken Burgess, Veritas Advisors, representing Idaho Press Club (IPC), asked that this bill be held or amended. He credited Representative Blanksma with working with them but there are some issues they agreed to disagree on. **Mr. Burgess** stated his preference that no changes be made to the current public records law. He agreed some language could be tightened down. Referring to the confidentiality of the RS version of a bill, **Mr. Burgess** said IPC believes this part of the process should be more open. There is a trend that legislators are moving in that direction. **Senator Winder** stated confidentiality is not required and this bill does not change nor prohibit that.

Mr. Burgess touched on several other items that were questionable related to public records requests: taxpayer dollars paying for the work product of full time State employees should be public; when private conversations blend into the possibility of creating public policy; and the possibility of redacting certain information. **Mr. Burgess** stated that the IPC agrees with Mr. Pisca's proposed amendments and would support the bill going to the amending order if not held.

Senator Stennett referred to page 11, line 27 and inquired about the broadness of "organization" and "representative" of an outside organization. **Mr. Burgess** could not answer that question.

MOTION:

Senator Anthon moved to send **H 601** to the Senate floor with a **do pass** recommendation. **Senator Winder** seconded the motion.

**SUBSTITUTE
MOTION:**

Senator Stennett moved to send **H 601** to the 14th Order of Business for possible amendment. **Senator Buckner-Webb** seconded the motion.

DISCUSSION: **Senator Stennett** agreed with parts of this bill but had questions about transparency and some other parts of the language.

VOICE VOTE: The substitute motion failed by **voice vote**.

VOICE VOTE ON THE ORIGINAL MOTION: The original motion carried by **voice vote**. **Senators Stennett and Buckner-Webb** requested that they be recorded as voting nay.

S 1417 **RELATING TO PROPERTY TAX RELIEF** related to the Property Tax Relief Program.

Senator Anthon explained that **S 1417** brings the Property Tax Relief Program (Circuit Breaker) up to date. He described who qualified for the program as defined/outlined in Title 63, Idaho Code. The Idaho Veteran's Administration program can reduce the amount of property taxes and that money is backfilled by the State and put into the program. This program does not shift property taxes inside the taxing district. During a tax study last summer, it became apparent that the policy behind the Circuit Breaker was not effective. It has been several years since any adjustments have been made; however, residential property taxes have increased significantly while the number of claimants has decreased. **Senator Anthon** outlined the two things this bill accomplishes: 1.) it separates out a household of one versus a household of two; and 2.) it provides for different income thresholds for both categories. The result is an increase in the maximum benefit.

Senator Anthon stated that this bill does not fix property tax issues in Idaho. It is a narrowly drafted bill to address an existing policy for certain categories of people so they don't lose their homes. This bill will not shift property tax burdens to businesses or agriculture.

Senator Souza asked if the \$6.5 million comes from the General Fund. **Senator Anthon** stated his understanding is that it comes from sales tax.

Senator Burgoyne reiterated that this is not a tax bill, it is a benefit program.

MOTION: **Vice Chairman Harris** moved to send **S 1417** to the floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion.

Chairwoman Lodge announced that Fred Birnbaum, Idaho Freedom Foundation was signed up to testify in opposition to this bill and Seth Grigg, Executive Director, Idaho Association of Counties was signed up to testify in support of the bill. She asked them to stand and be recognized but time constraints prevented additional discussion.

VOICE VOTE: The motion to send **S 1417** to the floor with a do pass recommendation carried by **voice vote**.

S 1416 **RELATING TO PROPERTY TAXES** with provisions regarding homestead exemptions.

Senator Vick, stated that **S 1416** proposes to increase the homestead exemption to \$120,000, meaning a homeowner would not pay property taxes on the first \$120,000 of the assessed value of a property occupied by the homeowner. This is approximately a one percent tax shift to businesses; it may be more or less depending on location. **Senator Vick** explained the bill in more detail. In 2017 the exemption was frozen at \$100,000. This bill reestablishes the index and raises the minimum to \$120,000. This does not solve property tax problems but it helps homeowners pay a little less in property taxes.

Senator Hill asked what the fiscal impact would be with the shift from homeowners to another segment of taxpayers. **Senator Vick** stated he did not have the answer.

TESTIMONY:

Fred Birmbaum, Idaho Freedom Foundation, spoke in opposition of this legislation because it is a tax shift and is not equitable tax policy.

Russ Hendricks, Idaho Farm Bureau Federation, testified in opposition to **S 1416**. He stated that, under the current homeowner's exemption, the shift is about \$210 million per year. That is an ongoing additional tax burden on other property owners. He explained other issues such as an already wide discrepancy between the dollar amount residential property receives back in services and the dollar amount a business or agriculture property receives in services. Those with very low home values will actually pay higher taxes. He said he could discuss other issues, but because of time, requested the Committee hold this bill.

Seth Grigg, Idaho Association of Counties (IAC), spoke in support of **S 1416**. The IAC took a stand on this issue at its September conference to support the change in the homeowner's exemption because indexing would be reinstated.

MOTION:

Vice Chairman Harris moved that **S 1416** be held in Committee. The motion failed for lack of a second.

DISCUSSION:

Senator Vick stated his opinion that owning a home is valuable as is making home ownership affordable; that is the purpose for changing this exemption. This will shift taxes to other properties but the primary concern is staying in one's own home.

MOTION:

Senator Vick moved to send **S 1416** to the floor with a **do pass** recommendation. **Senator Hill** seconded the motion. The motion carried by **voice vote**.

Senator Anthon reserved the option of not supporting this bill on the floor.

ADJOURNED:

There being no further business as this time, **Chairwoman Lodge** adjourned the meeting at 9:20 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary

H601 3-16-2020
Attachment 1
Jeremy Vesco

At page 2, line 18.

Provided however, that personal notes created by a public official solely for his or her own use shall not be a public record so long as such personal notes are not shared with any other person.

At page 2, line 47

(4) a public agency or independent public body corporate and politic may require that a request for public records be submitted to it in a writing and that such request generally describes the subject matter and date range of the records sought to enable a public body to locate such records with reasonable effort.

At page 11, line 6 - 20

Leave it in

At page 11, line 23

Delete lines 23-25

At page 11, line 26

(4) Personal identifying information of a constituent of a member of the Idaho legislature may be redacted upon release of such information, when a private citizen contacts such legislator for help on a matter of personal concern with a state agency, when such concern has no bearing upon the greater public policy of the state, but only concerns that particular constituent.

AGENDA
SENATE STATE AFFAIRS COMMITTEE
8:00 A.M.
Room WW55
Tuesday, March 17, 2020

NOTE CHANGE OF DAY TO TUESDAY

SUBJECT	DESCRIPTION	PRESENTER
GUBERNATORIAL APPOINTMENTS:	The Gubernatorial Appointment of Scot Ludwig to the Idaho State Racing Commission.	Scot Ludwig
GUBERNATORIAL RE-APPOINTMENTS:	The Gubernatorial Re-Appointment of Estella Zamora to the Idaho Commission on Human Rights. (Telephone Interview)	Estella Zamora
	The Gubernatorial Re-Appointment of Megan Ronk to the Idaho Commission on Human Rights.	Megan Ronk
	The Gubernatorial Re-Appointment of Brian Scigliano to the Idaho Commission on Human Rights.	Brian Scigliano
MINUTES APPROVAL:	Minutes of February 17, 2020	Senator Vick and Senator Souza
PAGE GRADUATION:	Graduation of Emily Blattner who served as page for the 2nd half of the 2nd Regular Session of the 65th Idaho Legislature.	Chairwoman Lodge

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Lodge

Vice Chairman Harris

Sen Hill

Sen Winder

Sen Vick

Sen Anthon

Sen Souza

Sen Stennett

Sen Buckner-Webb

COMMITTEE SECRETARY

Twyla Melton

Room: WW42

Phone: 332-1326

Email: sstaf@senate.idaho.gov

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Tuesday, March 17, 2020

TIME: 8:05 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Souza, Stennett, and Buckner-Webb

ABSENT/ EXCUSED: Senator Anthon

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** called the Senate State Affairs Committee (Committee) to order at 8:05 a.m.

GUBERNATORIAL APPOINTMENT: **THE GUBERNATORIAL APPOINTMENT** of Scot Ludwig to the Idaho State Racing Commission (ISRC).

Scot Ludwig said he has lived in Boise for more than 40 years and is honored to be on the ISRC. He owns and races horses, and has a passion for horse racing. He has a business background which is what the ISRC needs at this time. **Mr. Ludwig** said he has served in private industry, on the Boise City Council, and now the ISRC, which he believes after reviewing the books, will need some work . It will be an honor to serve.

Senator Souza asked how long he has been on the ISRC and what are some specific needs for improvement and change. **Mr. Ludwig** said he was recently appointed and has attended one meeting. He has reviewed the challenges for the ISRC and believes there are hard decisions ahead.

In response to Senator Winder, **Mr. Ludwig** replied that his business background will help him because he can bring some tools to the ISRC and can bring in the appropriate people to help. The ISRC is not operating well financially and it will take the right people to determine how to fund their projects.

GUBERNATORIAL RE-APPOINTMENT: **THE GUBERNATORIAL RE-APPOINTMENT** of Estella Zamora to the Idaho Commission on Human Rights (Telephone Interview).

Chairwoman Lodge introduced Estella Zamora, and asked how long she had been serving. **Ms. Zamora** said she was first appointed by Governor Andrus and has been re-appointed by each consecutive governor.

In response to Senator Buckner-Webb, **Ms. Zamora** responded she would love to have "Add the Words" legislation passed during her tenure.

GUBERNATORIAL RE-APPOINTMENT: **THE GUBERNATORIAL RE-APPOINTMENT** of Megan Ronk to the Idaho Commission on Human Rights (IHRC).

Megan Ronk said she has served on the IHRC since 2008, and has a unique perspective. She has not had to face discrimination, has pursued her career and goals as the daughter of a small business owner, and has served in public service. Also, she is the former Director of the Idaho Department of Commerce. The work of the IHRC is to balance and respect the rights of individuals and to

ensure business owners have the opportunity to respond to discrimination claims. She gave credit to the staff of the IHRC for their excellent performance. **Ms. Ronk** stated it has been a pleasure to serve on this commission and looks forward to another term.

Chairwoman Lodge, Vice Chairman Harris, and Senators Hill, Buckner-Webb, and Winder all thanked her for her service.

**GOVERNMENTAL
RE-APPOINTMENT:**

THE GOVERNMENTAL RE-APPOINTMENT of Brian Scigliano to the Idaho Commission on Human Rights (IHRC).

Brian Scigliano said he started on the IHRC 13 years ago and appreciated working with 3 great administrators. He likes to serve individuals who don't commonly have a voice and to ensure there is the ability to work in a healthy environment for both the employer and employee, and that work issues are resolved equitably. In response to Senator Hill's question, **Mr. Scigliano** said he serves about 10 hours a month reviewing the cases the staff has spent an enormous number of hours investigating.

Senators Hill and Buckner-Webb stated their appreciation for his service.

Benjamin Earwicker, Administrator, Idaho Commission on Human Rights, thanked the Committee for considering the three re-appointments today and for listening to the feedback from the IHRC on **H 400**. The co-sponsors of this bill worked with the IHRC taking their recommendations into consideration. He reported they have had a record number of cases this year and stated his appreciation of the staff and IHRC for the neutral and balanced perspective they exhibit. **Mr. Earwicker** stated his pleasure in serving the people of Idaho.

**MINUTES
APPROVAL:**

Senator Vick moved to approve the Minutes of February 17, 2020. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

Senator Vick asked Phil McGrane, Office of the Secretary of the State (SOS), to brief the Committee on the upcoming election.

Mr. McGrane explained that the Coronavirus outbreak has affected the process for the May election. They are considering ways to conduct this election season that will reduce the effect this pandemic has on the May election and forward; this is an evolving situation. There was a lengthy discussion with the Committee regarding absentee ballots, notification forms, polling locations, etc. The SOS and the clerks throughout the state are taking this very seriously and have some tools in place such as extending on-line registration as part of the plan. **Mr. McGrane** stated they could use legislative help because flexibility for emergencies is not built into Idaho statutes. Even though absentee ballots are used, there is a large portion of people who need to vote at polling locations and there are questions about the availability of locations and staffing. He stated he is ready to assist the Legislature in any way possible.

**PAGE
GRADUATION:**

Chairwoman Lodge asked Emily Blattner, Committee page, to come forward and tell the Committee about her experiences at the Capitol and future plans.

Ms. Blattner stated this was the greatest experience during her high school career. She is planning to attend University of Idaho for a law degree. **Ms. Blattner** stated her appreciation to the Committee, Chairwoman Lodge, and Secretary Twyla Melton, and presented each Committee member with a

personal letter of appreciation along with a gift to Chairwoman Lodge and Ms. Melton. **Chairwoman Lodge** thanked Ms. Blattner for her work and presented her with a gift from the Committee along with a letter of appreciation signed by each Committee member.

Senator Winder requested that, in the essence of time, the room be cleared and that the Committee vote on the Gubernatorial appointees due to the Senate schedule over the coming days..

**VOTE ON
GUBERNATORIAL
APPOINTMENT
AND
RE-APPOINTMENTS:**

Senator Winder moved to send the Gubernatorial appointment of Scot Ludwig to the Idaho State Racing Commission, and the Gubernatorial re-appointments of Estella Zamora, Megan Ronk, and Brian Scigliano to the Idaho Commission on Human Rights to the floor with the recommendation they be confirmed by the Senate. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

ADJOURNED:

There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 8:55 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary